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1 CONSTITUTIONAL CONVENTION

2 OF THE

3 STATE OF MARYLAND

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6 CONVENING SESSION

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10 Chamber of the House of Delegates
State Capitol
11 Annapolis, Maryland

12 September 12, 1967 - 12:00 Noon

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14 HONORABLE H. VERNON ENEY,
PRESIDENT

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20 Reported by:
21 C. J. Hunt

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1 P R O C E E D I N G S

2 THE PRESIDENT: The Convention will please come
3 to order.

4 The Clerk will read the Proclamation of the
5 Governor.

6 THE CLERK: The Governor's Proclamation issuing a
7 call for the delegates to the Maryland Constitutional Con-
8 vention to assemble in plenary session in Annapolis, Mary-
9 land, 12:00 o'clock Noon, Tuesday, September 12, 1967:

10 Whereas, the people of the State of Maryland
11 expressed in special election on September 13, 1966 their de-
12 sire to hold aConstitutional Convention; and

13 Whereas, the 1967 General Assembly of Maryland, in
14 response to the express desire of the people duly enacted
15 House Bill 28 making provisions for the election of
16 delegates to and the holding of a Convention to frame a new
17 Constitution for the State of Maryland, which bill was
18 signed and became effective on March 24, 1967, as Chapter
19 IV of the 1967 Laws of Maryland; and

20 Whereas, pursuant to the provisions of the afore-
21 said enactment and the proclamation of the Governor of

1 Maryland the delegates ofthe Convention assembled and
2 organized on July 11, 1967; and
3 Whereas, Section 10 of said chapter provides at
4 least ten days prior to September 12, 1967, the Governor,
5 by Proclamation, shall issue a call upon the delegates to
6 assemble on that date;
7 Now, therefore, I, Spiro T. Agnew, Governor
8 of the State of Maryland, pursuant to and under
9 the authority of the aforesaid section of Chapter IV of the
10 1967 Laws of Maryland, do hereby solemnly proclaim and
11 issue a call for the delegates to the said Constitutional
12 Convention to assemble in the Chamber of the House of Dele-
13 gates at the State House in the City of Annapolis, on
14 Tuesday, September 12, 1967, at 12:00 o'clock Noon in
15 plenary session, given under my hand and the Great Seal of
16 Maryland in the City of Annapolis on this 29th day of August
17 in the year of our Lord 1967.
18 THE PRESIDENT: We will now have the invocation by
19 the Reverend Bruce K. Price, Delegate to this Convention from
20 Baltimore County.
21 Reverend Price.

The Invocation Given at the Opening Session

of the

Constitutional Convention

of

The State of Maryland

by

Bruce K. Price, Pastor
Patapsco Methodist Church
Delegate, Baltimore County

Almighty God and Father of us all, thine is the providence by which age after age the families of mankind have been fed. Thine is the justice which has given a course and direction to the turmoil of history. Thine is the love that brings light to every day of our lives. Though there be no end to thy gifts, help us to number them as they are revealed to us day by day.

Though we live amidst alarms of war and in times of precarious peace, we fervently pray that the way of lasting peace will soon be found. Help us to discover that unity in which each people can be its own nation while all men acknowledge their brotherhood.

We know, too, that thou hast endowed man with the gift of creativity, and so, we, here, thank thee for this opportunity to be of creative service to thee and to our fellow citizens of the State of Maryland. Enable us to stand fast against the influences that would corrupt our potential. Empower us to resist apathy, slovenliness, and the temptation to give less than our best.

Lift us above the press of busyness until we are captured by the call of thy business. Give us a visionary faith which realizes that, in the midst of the roar of the factory, the efficiency of the office, and the big noise of small change in the market place, thou too art working. To this end may our labors in this place be marked by integrity in effort, steadfastness in purpose, and faithfulness in service.

At last, may all our efforts recognize the freedom that is each man's heritage and dignity. Amen.

1 (Whereupon, the Invocation was offered by
2 Reverend Price.)
3 THE PRESIDENT: The Clerk will call the roll.
4 Delegates please answer as their names are called.
5 (Whereupon, the Clerk called the roll.)
6 THE PRESIDENT: Delegates Philip H. Dorsey
7 and Charles A. Dukes, Jr., will please come forward to
8 the rail and take the oath. The oath will be administered
9 by the Honorable Hall Hammond, Chief Judge of the Court of
10 Appeals of Maryland.
11 Will the Delegates please step forward to the
12 desk and sign the Test Book?
13 The Chair recognizes Delegate Ralph W. Powers,
14 Chairman of the Committee on Calendar and Agenda.
15 DELEGATE POWERS: Mr. President, the Committee on
16 Calendar and Agenda adopts with due thanks to the Program
17 Committee the agenda on the first inside page of the
18 program which each delegate has on his desk, and I move
19 the adoption of that report.
20 THE PRESIDENT: Is there a second?
21 It has been regularly moved and seconded that

1 the program, the printed program on your desk be adopted
2 as the calendar and agenda for this session. All those
3 in favor signify by saying "aye;" contrary, "no."
4 The "aye's" have it. It is so ordered.
5 It gives me great pleasure at this time to ask
6 Mr. Howard T. Brenner, President of Samuel Kirk & Son,
7 to ascend the roster. It is doubly a pleasure for me
8 to present to you the Delegates of the Constitutional
9 Convention of Maryland, Mr. Brenner.
10 MR. BRENNER: Mr. President, Honorary President,
11 Governor Tawes, Delegates to the Convention:
12 When the Constitutional Convention Commission
13 approached my Company with the proposition that they de-
14 sired a mace, a symbol of popular sovereignty, for the
15 Constitutional Convention of 1967, we were highly honored
16 and thought it most appropriate that we should design, make
17 and present one to the Convention. After all, we have been
18 a part of and have enjoyed the many blessings of the Great
19 State of Maryland for more than 150 years.
20 In our archives we had the original patterns of
21 the Great Seal of Maryland used when we made the silver

1 service for the cruiser Maryland in 1904. This service is
2 now on display here in the State House. These in turn were
3 exact reproductions taken from the original seal, made of
4 silver in England and sent to the province in 1648. I
5 understand this original seal is now on display in the
6 Hall of Records here in Annapolis.
7 In designing the mace we incorporated the seal, cast
8 in silver. I understand ours is the only State seal of
9 strictly heraldic character. This is supported in a
10 circle of silver, the circle being symbolic of continuity -
11 without beginning or ending. On the circle is inscribed
12 "State of Maryland, Constitutional Convention of 1967."
13 The handle and supporting base are of walnut.
14 And so, Mr. Eney, it is my privilege and pleasure
15 as a representative of Samuel Kirk & Son to present to you,
16 President of the Constitutional Convention of 1967, and the
17 Delegates here assembled, this Mace, a symbol of dignity
18 and collective authority of the Constitutional Convention
19 which represents the popular sovereignty of the people of
20 Maryland.
21 (Applause.)

THE PRESIDENT: Mr. Brenner, I am very proud on behalf of the Constitutional Convention to accept this very handsome mace. It is another first for Maryland, I believe, and it is particularly appropriate, it seems to me, that it should be presented to the ConstitutionalConvention of Maryland, one of the original States, by the oldest silversmith still in active business in the United States.

It is a handsome piece. It will be with us daily, and its place on this rostrum will signify that the Constitutional Convention of Maryland is in session.

Again, on behalf of the Delegates and on behalf of the State of Maryland I thank you most sincerely.

On August 17, 1867, the fourth Constitutional Convention of Maryland adjourned after 75 daily sessions, and submitted to the people of the State a constitution which endured for 100 years. Today, 100 years, 26 days and something more than 200 amendments later we assemble as the Fifth Constitutional Convention of Maryland.

It seems to me that before we begin our work as the elected delegates to that Convention it behooves us to reflect for a moment on the task before us, consider the

1 conditions and circumstances which bring us here today,
2 and think a bit about the problems to be solved and the
3 possible methods of their solution.
4 Today we live in a great stream of change, a
5 stream which moves so rapidly and with such force that
6 sometimes we are at our destination before we realize that
7 we have started, and ofttimes we have begun our journey be-
8 fore we have charted our course.
9 One hundred years ago the people of Maryland
10 and of the nation were living in a period of great social
11 unrest, a period of great stress and strain. Today we are
12 again living in a period of great social unrest, another
13 period of great stress and strain, but there is a tremendous
14 difference between the two eras. Then our nation was at the
15 end of the most bitter and heartrending conflict it has
16 ever known, either before or since, a period which saw
17 brother pitted against brother in cruel and agonizing fratri-
18 cidal warfare. Maryland, as a border state between the
19 opposing social and economic forces and torn asunder by
20 its own inner conflicts, had become a battleground for
21 the armies of the Union and the Confederacy. But, although

1 the wounds had not been healed and although there were many
2 bitter memories of excesses committed in the name of military
3 necessity, of a great city living under the shadow of
4 the guns on Federal Hill, and of soldiers at the polls
5 supervising the elections, nevertheless, the armed conflict
6 had ended and we were looking forward hopefully to a future
7 of peace and quiet, liberty and contentment, and economic
8 and cultural rehabilitation and progress.
9 Today we are not at the end of a period of
10 conflict. We are in the midst of it. We live not only in
11 a period of great social unrest amidst all the stresses and
12 strains produced by such unrest, but in a period in which
13 conflict and strife are again prevalent. We are no longer
14 a border state caught between the opposing forces of the
15 North and South, but an island in a sea of hatred and violence
16 We do not have armies pitted against armies in mighty
17 battles on our soil, but more frightening, perhaps, we see
18 all about us throughout our nation citizen pitted against
19 citizen, in scenes of equal violence which seem to erupt
20 almost spontaneously and perplex and plague us all. We
21 grope blindly for solutions to problems which appear to

1 be insoluble and, through it all, the swift current of
2 events seems at times to be carrying us to the brink of
3 disaster.
4 We cannot in this Constitutional Convention
5 of Maryland in the space of the next 90 or 120 days, or
6 even longer if we had the time, solve the problems of the
7 world, of the nation, or even of our State, but we can
8 and we must, within the time allotted to us, provide the
9 framework of a government for our State which is capable
10 of grappling with the problems confronting us today, and
11 with at least a possibility of being able to solve
12 those problems in such a way as to prevent our State from
13 being caught up and destroyed in the inferno of hate
14 and conflict and bitter defiance which we see all about
15 us.
16 We must forge a document which the people of our
17 State will adopt on May 14, 1968, and thus make it a
18 Constitution, and not a mere exercise in semantics, a
19 scrap of paper. We must draft a Constitution which will
20 guarantee to every citizen the right to pursue his own
21 goal of personal hapiness and seek his own level of

1 achievement as free from interference by government or his
2 fellow citizens as the complexities of a modern society
3 can permit and allow, and we must draft a Constitution
4 which can meet these objectives, not only for us, but for
5 our children and our grandchildren and their children,
6 a Constitution which can survive as a meaningful,
7 operative document, even when subjected to the continuing
8 assaults of changing conditions and of problems and
9 situations which we cannot only not conteplate, but not
10 even dream of today, a Constitution which can provide an
11 effective government for our nearly 4 million citizens of
12 today, and also for our ten or more million citizens of
13 tomorrow.
14 As we set about this task, we must realize that
15 our separate existence as a sovereign State, a government
16 of and by and for the people of Maryland, is at stake.
17 We are not alone in this. The separate existence of every one
18 of our 50 States as viable and effective instruments of
19 local government is challenged. The course of events of
20 the past 100 years has caused a metamorphosis. We and
21 our sister States, so apprehensive and fearful in the last

1 century of the powers of government, put in our State
2 constitutions shackles and restraints which made our State
3 governments incapable of meeting the needs of the people
4 in a rapidly changing urbanized society.
5 The inability of State and local governments,
6 because of these constitutional limitations and restric-
7 tions, to meet the simple everyday needs of people --
8 the need for pure air and water, sewer systems, education,
9 cultural advantages, recreactional opportunities, mass
10 transportation, created a void, a void into which our
11 federal government has stepped to an ever-increasing
12 extent.
13 These needs of the people -- needs so vast and
14 complex that they can only be met by governmental action,
15 needs which traditionally had been and, by all scientific
16 principles of government, should continue to be met by
17 state and local government, simply had to be met. These
18 governmental services required by the people had to be
19 supplied. The inability of the state and local governments
20 to do so has forced the federal government to meet the
21 demand and supply these purely local requirements.

1 And so, we, the citizens of what we proudly call
2 the great Free State of Maryland, have, along with our
3 fellow citizens of other States, become cringing, favor-
4 seeking vassals, fawning at the feet of Uncle Sam, grate-
5 ful forthe few crumbs of our own money tossed to us. But
6 that great big, sprawling, bureaucratic colossus sitting
7 astride the Potomac is too big, too far removed from the
8 people, too impersonal to make more than uncertain, feeble,
9 ineffective and ofttimes inept attempts to solve these
10 problems which ought to be solved by state and local
11 governments.
12 The challenge is clear for us to see; it is
13 written in large bold letters on the walls of this historic
14 State House. We have almost complete freedom in drafting a
15 constitution to submit to our people. So long as it provides
16 for a republican form of government, so long as it does not
17 transgress the rights and liberties of the individual citi-
18 zen guaranteed and protected by the Constitution of the
19 United States, we, the people of the State of Maryland,
20 can have almost any kind of constitution we choose. Cer-
21 tainly a people with the genius for designing a craft

1 which can be hurtled millions of miles through space
2 and yet be controlled minutely in its landing on a distant
3 planet ought to be able to devise a system of government
4 which can provide for our people at a local level those
5 essential services which are so sorely needed -- services
6 which are needed now but which are going to be needed to
7 an ever-increasing degree as our society becomes more and
8 more urbanized and as our population grows to an extent
9 difficult for us even to comprehend at the present time.
10 A skeptic may scoff and say these are but lofty,
11 high-sounding euphemisms which cannot possibly be accomp-
12 lished by words emblazoned on a piece of paper, no matter
13 how formal and fundamental the document. He may say
14 that in the final analysis whether a government is good
15 or bad, effective or ineffective, an efficient provider
16 of services or an inept, bureaucratic maze depends not upon
17 the will of the people which brings it into existence or
18 upon the peice of paper which defines its scope, its power
19 and its organization, but upon the people who manage it.
20 He may say therefore that the problems of our time cannot
21 be solved or even substantially affected by the

1 constitution which we may recommend.

2 This, however, is not at all the case. True
3 it is that the efficiency, the effectiveness of our govern-
4 ment will, in the final analysis, depend upon the people
5 we select to operate and conduct that government, but the
6 kind of people who are willing to undertake the task of
7 governing, and therefore the character of the government
8 itself, will be greatly influenced by the constitution
9 adopted by the people of our State.

10 We can attract to the legislature the most thought-
11 ful and capable of our citizens if we clothe the legisla-
12 ture with sufficient dignity, authority and power to
13 legislate properly, provide for a legislature which
14 can come to grips with the pressing problems of statewide
15 concern and solve them. We can induce our ablest citizens
16 to seek election as the chief executive of our State if
17 we grant to the executive btanch sufficient authority
18 and power to carry out the policies which a governor may
19 have been elected to put into effect. We can hold such
20 a chief executive responsible for his actions and those
21 of his appointed subordinates provided we give him power

1 to appoint the competent and to remove the incompetent.

2 Our increasingly difficult problems of crime and

3 juvenile and adult delinquency will not be solved by

4 the constitution we draft, but we can in the constitution

5 provide the cornerstone which will form a basis for

6 the solution of those problems. I firmly believe that

7 crime and delinquency can be controlled if we have wide-

8 spread respect for the law by citizens in every social and

9 economic strata.

10 We can have such widespread respect for the law

11 if we provide in the constitution for a judicial system

12 capable of administering justice -- justice as between

13 the state and the individual and justice as between man

14 and man -- speedily, efficiently and with finality; but,

15 to do this, we must provide at every level of the judicial

16 system judges who are trained in the law, judges who are

17 not only not mediocre or barely qualified, or even highly

18 qualified, but judges at every level of the judicial system

19 who are the best available -- the best of the best.

20 We must provide a system which will create courts

21 that are unmistakably courts so that every person knows

when he enters the courtroom that he is in a court of law

1 of the State ofMaryland, regardless of whether it be the
2 lowest court of our system hearing a traffic case or the
3 highest court of our State hearing argument on an intri-
4 cate question of law. If we do this, we will go a long way
5 towards inculcating in every citizen a deep and abiding
6 respect for the law.
7 We must also bring the government responsible
8 for supplying the everyday needs of the citizen -- police
9 protection, fire protection, schools, water, sewers,
10 garbage collection and similar needs, closer to the people,
11 and at the same time we must recognize that the needs for
12 these services transcends local and artificial geographic
13 boundaries, and that local government encompasses much more
14 than the municipal and county governments with which we
15 are familiar. We can do this by providing in the Constitu-
16 tion the means by which other local governments capable of
17 solving these problems can be formed and established and be
18 granted the necessary powers.
19 We must also not forget the individual and his
20 rights and liberties. Many say that a declaration of
21 rights in a state constitution is an anachronism, that

1 that the needed protection of the individual is furnished
2 by the federal constitution and need not be reaffirmed in
3 a state constitution. From this I dissent. It seems to
4 me that it is essential that the document which creates
5 and defines and provides the power of our state and local
6 governments should also define and state with clarity and
7 directness and emphasis those individual rights and
8 liberties which those governments cannot and shall not trans-
9 gress.
10 Now, how can we achieve these lofty objectives?
11 Certainly they cannot be realized merely by their enuncia-
12 tion. The inspired speech, the neatly turned phrase, the
13 eloquence of an earlier Webster or Clay or a modern-day
14 Churchill, the profundity of a Burke, or even the inspired
15 genius of a Madison, a Hamilton, or a Jefferson alone will
16 not achieve these objectives or wirte a constitution
17 for this Convention. The task can be performed, the de-
18 sired result can be achieved only by the unremitting,
19 grinding, grueling, exacting, time-consuming toil of each
20 and every one of the 142 Delegates to this Convention.
21 To aid in accomplishing this purpose, the

1 Convention has been divided into committees as provided by
2 the Rules adopted on July 11, 1967. I have to the best of
3 my ability made assignments to these committees with the
4 single-minded purpose of providing the best possible
5 committee organization for the Convention. In doing so, I
6 do not doubt that I have irritated some and disappointed
7 other delegates. For this I am sorry and I sincerely trust
8 that any of you disappointed in receiving the committee assign-
9 ment which he sought will nevertheless put his shoulder to
10 the wheel and give his all, and I am confident that you will.
11 To assist the committees as much as possible, we are
12 in the process of providing as capable a staff as we can
13 recruit. Each committee will have assigned to it a full-
14 time staff adviser -- a person who has the educational back-
15 ground and the practical experience to enable him to assist
16 the chairman in planning and guiding the work of the commit-
17 tee and to counsel with and aid the committee in its
18 hearings, in its deliberations and in its drafting. There
19 will also be assigned to each committee a full-time administra-
20 tive assistant whose duties will be to relieve the chairman
21 and the staff adviser of the purely administrative functions

1 such as scheduling hearings, notifying persons of postponed
2 hearings, arranging for the use of the appropriate hearing rooms
3 when the occasion requires it, assisting the staff adviser
4 in preparing the committee's recommendations, seeing that
5 the committee's recommendations are processed through the
6 proper channels, and doing the other myriad administrative
7 tasks which will be required in connection with the work of
8 each committee. The only other full-time personnel of each
9 committee will be one secretary to the chairman and the
10 committee and one assistant secretary who will also serve as
11 the personal secretary of the members of the committee.
12 To these committee staff persons, we will add a group
13 of research assistants -- professional people skilled in
14 various phases of research. They will be available upon
15 assignment by the Director of the Research Staff or the
16 Chief of Staff to perform specific research projects for
17 various committees.
18 In recruiting a staff for the Convention, we have
19 kept in mind the fact that this Constitutional Convention of
20 Maryland is not only unique in our generation but is not like-
21 ly to be repeated in this State for several more

1 generations. We have therefore endeavored to select not only
2 competent professional and clerical personnel, but also to
3 involve to the greatest possible extent the young people
4 of our State so that they too may be a part of this historic
5 undertaking and become imbued with a desire to participate
6 actively in public affairs or even perhaps to make a career
7 of public service. Do not be surprised, therefore, to dis-
8 cover among the staff assigned to positions normally not
9 thought of as professional, persons of professional stature,
10 capacity, and competence, and do not be surprised to find
11 that the young men and women who serve as administrative as-
12 sistants to the committees are similarly trained and skilled.
13 As a part of this same policy of involving the young
14 citizen we have, with the support and assistance of the
15 State Department of Education, recruited approximately 50
16 young boys and girls, all of whom are honor students in ad-
17 vanced senior classes in the secondary schools of the State.
18 They have been nominated by the principals of their schools,
19 not only for their scholastic excellence, but also for their
20 interest in the work of theConstitutional Convention and
21 what it means to the State of Maryland, their desire to

1 participate, and their other qualities of alertness and leader-
2 ship. They will serve as your pages in the sessions of the
3 Committee of the Whole and of the Convention and as messen-
4 gers to the committees. Several will serve continuously
5 throughout the session, but most of them will serve for
6 periods of two weeks, after which they will return to their
7 classes for a period and then serve again for another two-
8 week period, so that each of these young people will serve as
9 a page for a period of at least four weeks.
10 They are not observers; they are workers. During
11 the period of their service they will be housed in Annapolis
12 either at St. John's College or in private homes, and
13 they will work full time each and every day of their service.
14 Use them, make them feel that they are earning their pay,
15 performing a service and participating in a public event of
16 the highest order. They will carry back to their homes,
17 to their schools, and to their friends and acquaintances an
18 impression of the work of this Convention which could be
19 obtained in no other way.
20 This Convention, by an overwhelming vote at its
21 organization session on July 11, adopted the principle

1 that all sessions of the Convention and of its committees
2 should be open to the public. In keeping with this principle
3 and in accordance with therequirements of Section 14 of
4 the Convention Enabling Act, we plan to provide not merely a
5 public relations office, but an information service which we
6 hope will, as its name implies, furnish complete information
7 service not only to the press and other news media, but also
8 to visitors and to thepublic generally.
9 This information service will be housed in one
10 corner of the large room used by the Department of Legisla-
11 tive Reference during sessions of the General Assembly and
12 will be freely accessible to the public at all times.
13 A card index showing the current status of every proposal
14 pending before the Convention and each of its committees will
15 be maintained and the information service will at all times have
16 on hand readily available a copy of every Delegate proposal,
17 committee recommendation, or other document prepared for use
18 of Delegates or distributed to them.
19 The information service will be staffed by persons
20 whose duty it will be not merely to prepare formal press
21 releases or other public information buleetins, but to

1 answer inquiries as to every phase of the operations of the
2 Convention. They are to be of service and will, upon the
3 request of any representative of the news media or any
4 member of the public, obtain information necessary to answer
5 any reasonable inquiry. It will be our purpose to have complete
6 and current coordination between each committee and the infor-
7 mation service through the medium of the administrative as-
8 sistants so that the information service will be aware of
9 what is happening in every committee at all times.
10 It should be noted at this point that the State
11 Department of Education has also worked out for the secon-
12 dary schools of the State a course of study on the need for
13 constitutional revision in Maryland, and the activities of
14 this Convention will become an important part of the
15 teaching in those schools of civics, history and of courses
16 in the problems of democracy. The Constitutional Conven-
17 tion Commission and your officers have cooperated with the
18 State Department of Education in this project, and the
19 State Superintendent of Schools a few days ago issued an
20 elaborate resource guide on the Maryland Constitutional
21 Convention comprising approximately 115 pages and designed

1 specifically to aid the teachers in the secondary public schools
2 of the State.
3 In addition, a seminar for those teachers will be
4 held in a few days to discuss this program in detail. As
5 a part of this program, large numbers of school children
6 will be visiting the Convention and observing its
7 work throughout the next three months.
8 Other institutions and interested groups are like-
9 wise planning speical lectures, seminars and discussion
10 groups and visits to the Convention. For instance, the
11 Enoch Pratt Library in Baltimore and the Baltimore County
12 Library are jointly undertaking a very comprehensive program
13 of public information and education on the subject of the
14 Constitutional Convention and have invited representatives
15 of Baltimore City and Baltimore County business and community
16 groups to meet with library representatives next week to
17 discuss methods of accomplishing this purpose. Your officers
18 will also participate in this session.
19 All of these efforts will, we hope, result in the
20 visits of numerous groups, both large and small, to observe
21 the work of the Convention in the next few months. We have

1 thus far had requests from several large groups -- one con-
2 sisting of 200 teachers -- to observe the Convention in ses-
3 sion. It is of course highly desirable that this participa-
4 tion by the public be encouraged in every possible way, and,
5 at the same time, it must be done in such a way as not to
6 interfere with the work of the Convention or of its
7 committees. To assist in this and to make these visits
8 more meaningful, we hope to have each group visiting the
9 Convention first assemble to view either a motion picture
10 or one of three narrated slide shows which are available
11 and to hear a brief talk from a member of the Convention staff
12 especially assigned for this purpose. This staff member will
13 then escort the group to committee rooms or to the Conven-
14 tion galleries. It will be the duty of the staff tour
15 leader to be familiar with the particular topic being discussed
16 by the committee or the Convention at the time of the tour
17 so that he may inform the visiting group about it and answer
18 any questions which may be asked.
19 Nearly two weeks ago, your officers and the chair-
20 men of all committees had a lengthy session at which we
21 reviewed the organization of the Convention staff and

1 considered a possible timetable for the work of the Conven-
2 tion. We areall agreed that the work of the Convention must
3 be planned for completion within 90 days so that the
4 possible 30 days additional which may be authorized will be
5 available as a cushion of time to provide for unexpected con-
6 tingencies. To achieve this goal of completion in 90 days,
7 we must plan our work on a schedule of five days a week from
8 9:00 a.m. to 5:00 p.m. beginning immediately.
9 I will not attempt this afternoon to give you all
10 the details of the program, except to point out that very,
11 very roughly we contemplate 30 days for hearings, 30 days
12 for drafting and discussion, and 30 days for debate and
13 decision.
14 At the early stages of our work there will not be
15 a necessity for lengthy sessions of the Convention and no
16 necessity for sessions of the Committee of the Whole.
17 Accordingly, in order to allow as much uninterrupted time
18 as possible for committee hearings, the daily sessions of the
19 C onvention will, for the present time, be scheduled for
20 2:00 p.m. For the most part, they will probably last only
21 one-half hour or a little more. This will permit

1 committees to have continuous hearings from 9:00 a.m. until
2 lunchtime and then to res-me for a discussion or study period
3 following the recess of the Convention until approximately
4 5:00 p.m. I have no doubt that even with this schedule longer
5 and later sessions will be required toward the end of the 90-
6 day period.
7 Each of you knows from the memoranda heretofore
8 sent to you that your two vice-presidents and I are each
9 assigned as liaison members to several committees and that
10 members of the Committee on Style, Drafting and Arrange-
11 ment and members of the Committee on Calendar and Agenda are
12 also assigned as liaison members to the several committees.
13 This is for the purpose of coordinating the work of the
14 various committees to the greatest possible extent. To fur-
15 ther this effort at coordination and to keep the Convention
16 operating as smoothly as possible, your officers plan to have
17 brief daily meetings among themselves and, in addition, will
18 meet regularly once a week with the chairmen and vice-chairmen
19 of committees. There will also be meetings of the
20 professional staff at regular intervals. Suggestions from any
21 of you to aid further in coordinating the work of the

1 Convention or of its committees will be gratefully received.
2 The chairmen of the committees at our meeting
3 week before last agreed to present the draft constitution
4 recommended by the Constitutional Convention Commission
5 as proposals to the Convention. Each article or other appro-
6 priate subdivisions of the draft constitution will be
7 submitted as a separate proposal. There are 16 such proposals
8 which are being introduced today by the chairmen of the
9 respective committees at the request of the Constitutional
10 Convention Commission.
11 On behalf of each chairman, I want to point out that
12 the introduction of a proposal by him does not indicate that
13 he personally either agrees or disagrees with the provisions
14 of the proposal. The introduction by the Chairman is merely
15 a means of placing the draft constitution recommended by the
16 Constitutional Convention Commission formally before the
17 Convention.
18 Each delegate has heretofore received a copy of
19 the interim report of the Constitutional Convention Commis-
20 sion. Each of you should have received this morning a copy
21 of the final report of the Constitutional Convention

1 Commission, Chapters III and IV of which are the same as the
2 interim report which you heretofore received. The remaining
3 four chapters and appendix will, it is hoped, furnish
4 much additional valuable information for the Delegates. It
5 is intended that these reports shall be used by you as working
6 documents and whatever number of copies you may desire will
7 be available for you so that you may mark up your present
8 copies in any way you choose. The copy of the report which you
9 received this morning is paperbound, but within the next
10 week or two each delegate will receive an additional copy of
11 the report bound in more durable cloth.
12 The program which I have outlined cannot be achieved
13 easily. I know of no method or procedure by which our goal
14 can be reached except by patient, persistent and unremitting
15 toil. There is no high speed, easily traveled freeway avail-
16 able to us but only the winding, twisting, tortuous and nar-
17 row road of concentrated effort, at times rutted with despair,
18 beset with curves around which we cannot see too clearly and
19 requiring courage and boldness to travel, but leading us ever
20 onward and upward until we reach the peak of completion when
21 we can see laid out in its entirety, as though a panorama

1 viewed from a mountaintop, a constitution which we can gladly
2 reco-mend to the people of the State of Maryland, a consti-
3 tution to which we will all be honored to subscribe our names,
4 and a constitution which will not only be adopted by the
5 people of the State of Maryland, but proudly accepted by them
6 as their basic law for the present and the foreseeable future.
7 I pledge to you my complete dedication to this purpose.
8 (Applause.)
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1 The next item on the agenda is a report of the
2 Committee on Rules, Credentials and Convention Budget.
3 The Chair recognizes Delegate Alfred L. Scanlan, Chairman
4 of that Committee.
5 DELEGATE SCANLAN: Mr. President, we have filed
6 with the Acting Secretary and the Acting Chief Clerk the
7 original of our report. Due to difficulties with the re-
8 production facilities, quite beyond the control of the
9 Committee, I understand that copies are not yet on the
10 desks of the Delegates. I don't know what the pleasure
11 of the Chair would be, but I would suggest that since under
12 the rules, Rule 64 specifically, the Committee's recommen-
13 dations couldn't be considered by the Convention until
14 two session days had passed, that the matter lay over until
15 the appropriate spot on the agenda on Thursday, at the
16 Thursday meeting of the Convention; that is, if the report
17 is distributed to the Delegates before today's session
18 is ended, and if it is not, then I suppose we must lay it
19 over until Friday, but I put this problem to the Chair and
20 would abide by whatever the Convention would like to do.
21 I don't think the Convention would want me to attempt to
explain a report that it doesn't have before it, and for

1 that reason, I think we ought to lay it over, either until
2 Thursday, if they get it today; and if the Delegates don't
3 get it until tomorrow, that the matter be laid over until
4 Friday.
5 THE PRESIDENT: The Chair will receive the
6 report. It will be placed on the agenda for action, con-
7 sideration and action by the Convention at such time as
8 is permissible under the rules and as is determined by the
9 Committee on Calendar and Agenda. Every effort will be
10 made to see that the copies of the report are handed to
11 each Delegate this afternoon or as soon as they are avail-
12 able.
13 DELEGATE SCANLAN: Thank you, Mr. President.
14 THE PRESIDENT: The next order of business is
15 the introduction, first reading and reference of proposals.
16 Delegate Proposal No. 1. The Clerk will please read the
17 proposal.
18 THE CLERK: Delegate Proposal No. I: Title,
19 A PROPOSAL that Article 1 of the Constitution shall concern
20 the Declaration of Rights.
21 THE PRESIDENT: The proposal is referred to the

1 Committee on Personal Rights and Freedom.

2 Delegate Proposal No. 2. The Clerk will please

3 read the proposal.

4 THE CLERK: Delegate Proposal No. 2: Title,

5 A PROPOSAL that Article II of the Constitution shall deal

6 with Suffrage and Elections.

7 THE PRESIDENT: Delegate Proposal No. 2 is re-

8 ferred to the Committee on Suffrage and Elections.

9 Delegate Proposal No. 3. The Clerk will please

10 read the proposal.

11 THE CLERK: Delegate Proposal No. 3: Title,

12 A PROPOSAL that Article III of the Constitution shall

13 deal with the Legislative Branch.

14 THE PRESIDENT: Delegate Proposal No. 3 is re-

15 ferred to the Committee on the Legislative Branch.

16 Delegate Proposal No. 4. The Clerk will please

17 read the proposal.

18 THE CLERK: Delegate Proposal No. 4: Title,

19 A PROPOSAL that Article IV of the Constitution shall con-

20 cern the Executive Branch.

21 THE PRESIDENT: Delegate Proposal No. 5 is

1 referred to the Committee on the Judicial Branch.

2 I am sorry. Delegate Proposal No. 4 is referred to

3 the Committee on Executive Branch.

4 Delegate Proposal No. 5.

5 THE CLERK: Delegate Proposal No. 5: Title,

6 A PROPOSAL that Article V of the Constitution shall deal

7 with the Judicial Branch.

8 THE PRESIDENT: Delegate Proposal No. 5 is re-

9 ferred to the Committee on Judicial Branch.

10 Delegate Proposal No. 6. The Clerk will read

11 the proposal.

12 THE CLERK: Delegate Proposal No. 6: Title,

13 A PROPOSAL that Article VI of the Constitution shall

14 concern the State finances.

15 THE PRESIDENT: Delegate Proposal No. 6 is

16 referred to the Committee on the State Finance and Taxa-

17 tion.

18 Delegate Proposal No. 7. The Clerk will read

19 the proposal.

20 THE CLERK: Delegate Proposal No. 7: Title,

21 A PROPOSAL that Article VII of the Constitution shall deal

1 with Local Government.

2 THE PRESIDENT: Delegate Proposal No. 7 is re-
3 ferred to the Committee on Local Government.

4 Delegate Proposal No. 8. The Clerk will read
5 the proposal.

6 THE CLERK: Delegate Proposal No. 8: Title,
7 A PROPOSAL that the following two sections shall deal with
8 taxes and assessments and shall be included in Article VIII
9 of the Constitution entitled, General Provisions.

10 THE PRESIDENT: Delegate Proposal No. 8 is
11 referred to the Committee on State Finance and Taxation.

12 Delegate Proposal No. 9. The Clerk will read
13 the proposal.

14 THE CLERK: Delegate Proposal No. 9: Title,
15 A PROPOSAL that the following five sections dealing with
16 public education, higher education, the militia, the oath
17 of office and impeachment shall be included in Article VIII
18 of the Constitution entitled, General Provisions.

19 THE PRESIDENT: Delegate Proposal No. 9 is re-
20 ferred to the Committee on General Provisions.

21 Delegate Proposal No. 10. The Clerk will read

1 the proposal.

2 THE CLERK: Delegate Proposal No. 10: Title,
3 A PROPOSAL that the following section dealing with inter-
4 state, intergovernmental cooperation shall be included in
5 Article VIII of the Constitution entitled, General Pro-
6 visions.

7 THE CHAIRMAN: Delegate Proposal No. 10 is
8 referred to the Committee on Local Government.

9 Delegate Proposal No. 11. The Clerk will read
10 the proposal.

11 THE CLERK: Delegate Proposal No. 11: Title,
12 A PROPOSAL that Article IX of the Constitution dealing
13 with the amendment of the Constitution shall read as fol-
14 lows.

15 THE PRESIDENT: Delegate Proposal No. 11, re-
16 ferred to the Committee on General Provisions.

17 Delegate Proposal No. 12.

18 THE CLERK: Delegate Proposal No. 12: Title,
19 A PROPOSAL that the Constitution provide for a unicameral
20 legislature and that, accordingly, Article III of the
21 Constitution dealing with the Legislative Branch and

1 Section 8.08 of Article VIII, General Provisions, shall
2 deal with impeachment.
3 THE PRESIDENT: Delegate Proposal No. 12 is re-
4 ferred to the Committee on the Legislative Branch.
5 Delegate Proposal No. 13. The Clerk will read
6 the proposal.
7 THE CLERK: Delegate Proposal No. 13: Title,
8 A PROPOSAL that the Preamble of the Constitution shall
9 read as follows.
10 THE PRESIDENT: Delegate Proposal No. 13 is
11 referred to the Committee on Personal Rights and Preamble.
12 Delegate Proposal No. 14. The Clerk will read
13 the proposal.
14 THE CLERK: Delegate Proposal No. 14: Title,
15 A PROPOSAL that the Preamble of the Constitution shall read
16 as follows.
17 THE PRESIDENT: Delegate Proposal No. 14 is
18 referred to the Committee on Personal Rights and The
19 Preamble.
20 Delegate Proposal No. 15.
21 THE CLERK: Delegate Proposal No. 15: Title,

1 A PROPOSAL that the Preamble of the Constitution shall
2 read as follows:
3 THE PRESIDENT: Delegate Proposal No. 15 is
4 referred to the Committee on Personal Rights and The Pre-
5 amble.
6 Delegate Proposal No. 16. The Clerk will read
7 the proposal.
8 THE CLERK: Delegate Proposal No. 16: Title,
9 A PROPOSAL that the Preamble of the Constitution shall
10 read as follows.
11 THE PRESIDENT: Delegate Proposal No. 16 is
12 referred to the Committee on Personal Rights and The Pre-
13 amble.
14 Mr. Clerk, have any other proposals been filed
15 with the Clerk's office?
16 THE CLERK: No, sir.
17 THE PRESIDENT: There being no other proposals,
18 we will move forward to the next item of business, motions
19 and resolutions. Are there any motions and resolutions?
20 The Chair recognizes Delegate Scanlan to direct a query.
21 DELEGATE SCANLAN: A query of the Chair. In the

1 material that the President sent us during the interval
2 since our last meeting, you announced that there was some
3 doubt under the rules as to whether or not the President
4 had the authority to appoint officers of the Convention
5 as opposed to employees, the officers being the Secretary
6 and the Chief Clerk and the Parliamentarian and such other
7 officers as the Convention may decide to have. I gather
8 that the President has appointed as Acting Secretary
9 Mr. Martineau, and also has appointed other officers, and
10 I wondered whether it was the Chair's pleasure that the
11 Convention should deal with these matters today and offer
12 an appropriate filing or confirming resolution.
13 THE PRESIDENT: I thought, Delegate Scanlan,
14 that the resolution had been prepared for you to offer.
15 It obviously has not. I would therefore merely announce
16 at this time the action which I have taken and have a
17 resolution in appropriate language in writing presented
18 to the Convention at another session.
19 I have already announced to you in a memorandum
20 that there was some apparent confusion in the amendment
21 of one of the rules adopted at the session on July 11; so

1 that although the discussion of the amendment indicates
2 that the intent of the Convention was that the President
3 should appoint and fix the compensation of certain officers
4 during the interval from last July until now, the amend-
5 ment actually only went to the sentence providing that the
6 President should fix the compensation.
7 There is another rule that might be construed as
8 authorizing the President to appoint the officers. Rather
9 than have any question about it, I wish to announce to the
10 Convention at this time that I have designated as Acting
11 Secretary Mr. Robert J. Martineau.
12 I have designated as Sergeant at Arms, Mr. Rich-
13 ard Rothenburg. I have designated as Parliamentarian,
14 Mr. David Hattrick. The other employees, desk officers
15 who have been named, can unquestionably be named by me
16 under the rule. The three that I have mentioned will serve
17 as Acting Officers in those respective capacities awaiting
18 further pleasure of the Convention.
19 DELEGATE SCANLAN: Mr. President, I apologize
20 if there was a failure of communication between the
21 officers of the Convention and my Committee. My Committee

1 considered the problem you presented to us and were unan-
2 imous that you intended to have the authority to engage
3 officers, and if there was any doubt about it that your
4 choice of the officers should be ratified. We were aware,
5 we thought we were correctly aware that the resolution
6 was being prepared in other quarters, but I think it would
7 be very unfortunate to put these men to work at this
8 arduous task as Secretary and Chief Clerk, et cetera,
9 while they are still under the cloud of acting. I think
10 unless there was serious reason why the matter should
11 lay over, I think I can speak for Unanimous Rules Com-
12 mittee when I offer a resolution now that the Convention
13 confirm or ratify the choices for Secretary, Chief Clerk,
14 and is it Parliamentarian?
15 THE PRESIDENT: Yes, Delegate Scanlan, if you
16 will permit me to interrupt you, the same provision exists
17 as to other officers whom I have not yet named. I think
18 it would be preferable, and I don't think it would cause
19 any hardship to have one resolution embracing all of them.
20 We can offer it tomorrow. I don't think the named officers
21 are going to be unhappy for another twenty-four hours.

1 DELEGATE SCANLAN: As long as they rest easy in
2 their beds tonight, I will wait until tomorrow.
3 THE PRESIDENT: Are there any other motions or
4 resolutions? Delegate Gallagher.
5 DELEGATE GALLAGHER: I know it is customary when
6 the House and Senate meet, in session, that at the end of
7 the plenary session of both of those sessions that the
8 committee chairmen are required to announce the time of
9 those meetings and inquire of the Chair whether or not it
10 is the intention to have the committee chairmen at this
11 particular time to give notice to the members of their
12 various committees as to the time of the full committee
13 meetings.
14 THE PRESIDENT: I will do so as soon as I have
15 concluded a few announcements, which is the next item on
16 the agenda.
17 I wish to announce to the Convention that in
18 accordance with the resolution adopted at the meeting on
19 July 11, 1967, I addressed to the President of the United
20 States a cordial invitation to address this Convention,
21 either today or at some later date which would be conven-

1 ient to him. I also forwarded to him a copy of the
2 resolution adopted by this Convention.
3 In addition, our two United States senators,
4 Senators Brewster and Tydings, conferred with the President
5 and informed him personally of the invitation of this
6 Convention. The President is unable to address the Conven-
7 tion today. He delayed his response until the very last
8 moment because he hoped to be here. Yesterday, about noon,
9 I received a letter, and an hour later a telephone call
10 from an assistant to the President in the White House,
11 expressing his regrets at his inability to be present
12 today because of circumstances which had arisen.
13 I was given to understand that the President would
14 be pleased to have the invitation remain open, and on
15 behalf of the Convention, I have, therefore, indicated that
16 the invitation will remain open; and if the President can
17 address us at some future session, I have indicated that
18 we will arrange a special session, if necessary.
19 I wish also to announce that the Governor of
20 the State is unable to be here, and to read a telegram from
21 him which I received this morning. The telegram addressed

1 to me as President of the Convention is as follows:

2 "My very best wishes to you and all of the

3 Delegates to the Constitutional Convention as you begin

4 this project so vital to our State's interests. I regret

5 that my attendance at the Southern Governments Conference

6 precludes my being with you present, but my thoughts are

7 with you in this historic undertaking, and I look forward

8 to being with you soon. Good luck. Spiro T. Agnew,

9 Governor."

10 I might add that I have written to the Governor

11 formally and also conferred with him privately, and on

12 behalf of the Convention, extended to him an invitation

13 to address the Convention, to submit to it any suggestions

14 which he may have for consideration by the Convention,

15 or to mention to the Convention any problems of the State

16 Government which he deems appropriate. The Governor has

17 indicated that he will do so, and appropriate arrangements

18 will be made for this, probably within the next ten days.

19 I also want to read a telegram which I received

20 this morning from the Honorable Daniel B. Brewster, United

21 States Senator:

1 "Please accept and extend to the Delegates to
2 the Maryland Constitutional Convention my sincere best
3 wishes for a fruitful session. The opening of the Conven-
4 tion today marks a milestone in the long and noteworthy
5 history of our State. It also presents a unique oppor-
6 tunity to establish the course of future progress with
7 the constitutional guide lines that are the hallmark of a
8 free society. This is truly a momentous occasion for
9 Maryland. I share with the other citizens of our State a
10 sense of pride in the present and hope for the future,
11 as your deliberations begin, and I wish you every measure
12 of success."
13 I understand that Senator Tydings is here today,
14 although I have not seen him.
15 I also have a telegram from the Honorable Herbie
16 G. Machen, Member of Congress from the Fifth District of
17 Maryland:
18 "I regret that I will be unable to attend the
19 opening session of the Constitutional Convention. My best
20 wishes for success in this historic endeavor. I am sure
21 the Convention will produce a new Constitution which will

1 meet all of the needs and hopes of the Free State."

2 It gives me great pleasure to point out what I

3 am sure is obvious to you, that we are today honored by

4 the presence of a number of State officials, including

5 Attorney General Burch, Comptroller Goldstein, Deputy

6 Attorney General Sweeney, Mayor McKeldin and numerous others.

7 There will be no meetings of committees this

8 afternoon, or no further session of this Convention today

9 after the adjournment; but at this time, I would like to

10 call on each committee chairman to announce the time and

11 place of his next meeting. We will take those in order.

12 I call on Delegate Kiefer , Chairman of the Committee on

13 Personal Rights and The Preamble.

14 DELEGATE KIEFER: Mr. President, the Committee

15 on Personal Rights and Preamble will meet tomorrow morning

16 at 9 o'clock on the second floor of the Jeffrey Building,

17 which is where a suite of offices assigned to us are

18 located. I might say these offices will be open this after-

19 noon after this meeting is over, and I hope members of the

20 Committee will stop by to get axquainted with our setup.

21 THE PRESIDENT: Thank you, sir. The Chair

1 recognizes Delegate Koss, Chairman of the Committee on
2 Suffrage and Elections.
3 DELEGATE KOSS: Mr. President, the Committee on
4 Suffrage and Elections will meet tomorrow morning at 9
5 o'clock in its offices in the Shaw House. Likewise, the
6 offices will be open this afternoon, and we will welcome
7 members to drop by.
8 THE PRESIDENT: Thank you. I might add a com-
9 ment at this point. Some of you may be wondering about
10 this. I am almost tempted to say to Delegate Koss that
11 we will have to have her repeat that statement for history.
12 The proceedings of the Convention are being stenographical-
13 ly reported, as you can observe, and in addition are
14 being recorded on tape, a tape which will be duplicated
15 and the original sent ultimately to the Hall of Records,
16 with copies to various libraries throughout the State.
17 The tape recorder is wired into the microphone
18 system. You cannot control your microphone. It is con-
19 trolled by the young lady, Miss Kaufman, who is sitting
20 at the board. There are some problems with it. If you
21 don't hear that your voice is being transmitted through

1 the microphone, will you pause a moment, and see if we
2 can correct the trouble because even though your voice may
3 be loud enough to be heard throughout the chamber, it will
4 not be on the tape unless it goes through the audio system.
5 I recognize Delegate Morgan, Chairman of the
6 Committee on Executive Branch.
7 DELEGATE MORGAN: Mr. Chairman, the Committee on
8 Executive Branch will meet tomorrow morning at 9:00 a.m.
9 instead of 10:00 a.m.; at 9:00 a.m. in Room H-4 in the
10 basement of the State House. The Committee Room will be
11 open this afternoon, and the Delegate Room, so that you
12 can all come down and look over the quarters.
13 THE PRESIDENT: Thank you.
14 The Chair recognizes Delegate Mudd, Chairman of
15 the Committee on the Judicial Branch.
16 DELEGATE MUDD: Mr. President, the Committee on
17 Judicial Branch will meet tomorrow morning at 9:00 a.m.
18 in the room designated H-9, in the lower floor of the
19 State House; likewise, the staff and I will be there this
20 afternoon, and we welcome the opportunity to meet the mem-
21 bers of the Committee.

1 THE PRESIDENT: The Chair recognizes Delegate
2 Sherbow, Chairman of the Committee on State Finance and
3 Taxation.
4 DELEGATE SHERBOW: Mr. President, the Committee
5 on State Finance and Taxation will meet tomorrow morning
6 at 9:00 o'clock. The meeting will be in our Committee
7 Room, which is in the Shaw House. It is right across the
8 street in the old ell, club building; we are on the sec-
9 ond floor. I hope you will go over there this afternoon,
10 look around and get acquainted, and meet the staff.
11 THE PRESIDENT: The Chair recognizes Delegate
12 Moser, Chairman of the Committee on Local Government.
13 DELEGATE MOSER: Mr. President, the Committee on
14 Local Government will meet at 9:00 a.m. tomorrow morning.
15 Our offices are open now, and I hope that the members of
16 that Committee will come by this afternoon.
17 THE PRESIDENT: The Chair recognizes Delegate
18 Boyer, Chairman of the Committee on General Provisions.
19 DELEGATE BOYER: Mr. President, the Committee
20 on General Provisions will meet tomorrow morning at
21 9:00 a.m. sharp on the third floor of the Jeffrey Building

1 on Francis Street, and like our colleagues, we extend the
2 invitation to all Committee members to come down this
3 afternoon to acquaint yourselves with your new quarters
4 and meet the staff and generally get together. Thank you
5 very much.
6 THE PRESIDENT: So that the first shall be last,
7 the Chair now recognizes Delegate Gallagher.
8 DELEGATE GALLAGHER: Mr. Chairman, the Committee
9 on the Legislative Branch will meet tomorrow morning at
10 9:00 o'clock in HA, downstairs in the State House, which
11 is the regular Ways and Means Committee meeting room. Like
12 the other hospitable chairmen, I similarly extend an invi-
13 tation to all the Committee members, their spouses and
14 friends, to be with us this afternoon at our open house.
15 THE PRESIDENT: Thank you.
16 The flowers on the rostrum are here through the
17 courtesy of Congressman Gilbert Goudy, and I understand
18 they were grown in Montgomery County, Maryland. They are
19 the real thing and are not painted.
20 A few very brief announcements, housekeeping
21 announcements, if you will:

1 Postage for the Delegates is available for you.
2 Each Delegate will be allowed a maximum of $25 of postage
3 through the session. That is not available at the moment,
4 but you will be able to get two rolls, $10 of postage
5 simply by stopping at Mr. Martineau's office. Mr. Mar-
6 tineau is occupying the office normally occupied by the
7 Clerk of the House.
8 Harbor Tunnel passage for Delegates can be ob-
9 tained. Any Delegate who lives in an area of the City or
10 County which requires him, or if it makes it more conven-
11 ient for him to use the Harbor Tunnel, may secure passage
12 if he will see Mr. Martineau.
13 I.D. cards will be prepared for each Delegate.
14 It is necessary that you go to have a small photograph
15 taken. If you will do this as promptly as possible,
16 certainly today or tomorrow, by going to the Alcohol
17 Beverage Division at the State Office Building.
18 I stand corrected. You cannot do it today.
19 Today is a holiday; so you will have to do it tomorrow
20 or the next day.
21 With weather such as we have now, you don't need

1 lockers, but you will later. There are some available.
2 Any of you who feel you really want to have a locker, please
3 let Mr. Martineau know.
4 We hope to get a supply of file cabinets suffi-
5 cient, not so that each Delegate may have one, but so that
6 each Delegate may at least have one drawer of a file
7 cabinet for papers which he will be accumulating. Each
8 of you will have the desk in the chamber, a desk in your
9 committee room, and the file drawer for that purpose. Each
10 of you is entitled to receive a telephone credit card for
11 use to the limited extent permitted to you as a Delegate.
12 If you will stop at Mr. Martineau's office, you may pick
13 it up. You can make long distance calls on that card only
14 within the confines of the State of Maryland.
15 Copies of the final report of the Constitutional
16 Convention Commission, which is in the same familiar blue
17 cover, but is a little more than twice as thick as the
18 interim report, have been distributed to your committee
19 rooms. Each of you should have one. If you do not find
20 it there, please let Mr. Brooks know.
21 A number of Delegates have asked whether dictating

1 equipment will be available. We have a problem with
2 stenographic help. We cannot possibly get sufficient
3 stenographic help to have an abundance for all the Dele-
4 gates. We would not have the money to pay for it if we
5 could get it. We anticipate that some Delegates complete-
6 ly familiar with the use of dictating equipment would
7 prefer to do so. We have rented some equipment. We don't
8 want to rent more than will be used. If you will be the
9 user of dictating equipment, please let Mr. Martineau's
10 office know.
11 Forms of proposal can be obtained from the of-
12 fice of the Chief Clerk. The office of the Chief Clerk
13 is the corner of the Department of Legislative Reference
14 room at the desk occupied during legislative sessions by
15 Dr. Everstein. That is the location of the hopper. The
16 Clerk will be glad to assist any Delegate in preparing
17 proposals for submission. Under the rules, you will file
18 the original and five copies of each proposal with the
19 Clerk. He will arrange to reproduce it immediately, and
20 copies will be distributed at once to all Delegates to the
21 press, and to the public.

1 Keep in mind that in accordance with the pro-
2 cedure discussed by the Chairman of the Rules Committee
3 at the last meeting, it is possible for you to submit
4 proposals other than in the precise language which you want
5 to see adopted in the Constitution. In other words, you
6 may submit what has been termed idea proposals. They need
7 not be in formal language. You may submit, for instance,
8 a proposal that the Constitution provide for a Secretary
9 of State. That would be simply an idea proposal. Nothing
10 more is needed. You may submit any kind, any number of
11 such idea proposals. They will be referred to the ap-
12 propriate committee, and if the committee favorably acts
13 on the proposal, it will embody it in formal language in a
14 committee recommendation.
15 This procedure is adopted in order to facilitate
16 the flow of ideas from the Delegates to the committee in
17 orderly manner. We hope that the procedure will be used
18 very freely.
19 Many of you have asked about locks. Locks for the
20 desk in the House Chamber are being made. They were removed
21 from the desk when the desk was being refinished. I under-

1 stand they will be available shortly.

2 Those of you not familiar with the legislative
3 practice and the electrical board should familiarize your-
4 selves with the switch on your desk. I call your attention
5 to the fact that under the rules adopted by this Convention,
6 it is a serious offense for any person, Delegate or not,
7 to operate the switch which controls the voting board.
8 In the center of that switch is a white ribbed circle,
9 which you can, with your finger, pull forward and back.
10 That operates the signal for pages. If you want a page,
11 flip that center button back and forth several times. It
12 will light a light at either side of the rostrum and a page
13 will come to your desk.

14 I think the procedure for the operation of the
15 rest of the lights has by now been determined by nearly
16 all Delegates. I might add that the one fortunate part of
17 this device is that the presiding officer canabsolutely
18 control because until a switch here is turned on, you can
19 flip the button all you want, and it has absolutely no
20 effect.

21 The procedure in formal voting, in any case where

1 a roll call vote is called for, will under the rules be
2 by the electric vote callboard. The procedure in each
3 instance will be for the presiding officer to throw the
4 switch, which rings a bell just in front of the rostrum.
5 That is your signal to vote even though you don't hear the
6 presiding officer's announcement. Before the record is
7 taken, the presiding officer will ask if everyone has
8 voted, and will ask if any Delegate desires to change his
9 vote, giving opportunity for Delegates to change, simply
10 by pushing the other button. After reasonable opportunity,
11 the presiding officers will tell the Clerk to record the
12 vote. The Clerk will push another switch, and at that
13 point, you can no longer operate your switch. You cannot
14 change your vote. The vote will then be recorded mechanic-
15 ally on a punched paper, which then becomes a part of the
16 records of the Convention.
17 Are there any other announcements any Delegate
18 desires to make?
19 The next thing is the group photograph. They
20 are setting up the camera now. We would like all the
21 Delegates and the guests to remain.

1 (At this time a short recess was taken.)

2 THE PRESIDENT: While we are waiting for the

3 photographers to set up, there are a few other announcements

4 I wanted to make.

5 I understand that the small pictures for the I.D.

6 photographs can be taken from 9:30 until 3:30, starting

7 Wednesday, September 13 -- that is tomorrow -- and con-

8 tinuing through Friday, later if necessary. Pictures will

9 be taken in Room 309 of the State Office Building. That

10 is the building that is furthest from the Capitol; start-

11 ing at College Avenue, it's the third room back. The por-

12 trait that is being taken of the Convention today is the

13 formal portrait of the Convention. There will be another

14 one later. Copies of this picture will be available for

15 any Delegates who want one. I understand the cost is

16 five dollars for each additional print.

17 The report of the Rules Committee is, I think,

18 here now; and if the pages will come forward and distri-

19 bute copies to you right here.

20 I have one final announcement before I recognize

21 the Chairman of the Committee on Calendar and Agenda to

1 move the adjournment; I would like if I may be permitted
2 a purely personal reference, to tell you that this gavel,
3 which has been used for the first time today, was made
4 especially for my use as the President of this Convention
5 by Samuel Kirk and Son. I would like to read to you the
6 inscription on the silver band: Presented to H. Vernon Eney,
7 President of the Constitutional Convention of Maryland,
8 by his wife, September 12, 1967. (Applause.)
9 My wife, two daughters, and some of my grand-
10 children are sitting in the aisle.
11 The Chair recognizes Delegate Powers.
12 DELEGATE POWERS: Mr. President, I move we
13 adjourn until tomorrow, Wednesday, September 13, at 2:00
14 p.m.
15 THE PRESIDENT: It has been regularly moved that
16 we adjourn until 2:00 p.m. tomorrow, September 13. All
17 those in favor, signify by saying Aye; contrary, No. It
18 is so ordered.
19 (Whereupon the convening session adjourned at
20 2:06 to reconvene the following day at 2:00 p.m.)
21

Maryland Room
University of Maryland Library
College Park, Md.

Maryland Room
University of Maryland Library
College Park Md.

CONSTITUTIONAL CONVENTION

OF THE

STATE OF MARYLAND

Chamber of the House of Delegates

State Capitol

Annapolis, Maryland

September 13, 1967 - 2:00 p.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
C. J. Hunt

1 THE PRESIDENT: The Convention will please
2 come to order.
3 The invocation today will again be offered
4 by Delegate Price.
5 (Whereupon the invocation was offered by
6 Delegate Price.
7 THE PRESIDENT: The roll call today will be
8 taken by machine, provided we can operate it satisfac-
9 torily.
10 Has everyone registered his presence? The
11 Clerk will record the quorum. A quorum being present,
12 the Convention is in session.
13 Each of you should have on your desks a copy of
14 the daily calendar and the agenda.
15 The Chair recognizes Delegate Ralph W. Powers,
16 Chairman of the Committee on Calendar and Agenda.
17 DELEGATE POWERS: Mr. President, I move the
18 adoption of the report of the Committee on Calendar and
19 Agenda.
20 THE PRESIDENT: Do I hear a second? Any dis-
21 cussion? Are you ready for the question. The question

1 arises on the adoption of the calendar and agenda pro-
2 posed by the Committee on Calendar and Agenda. All in
3 favor, signify by saying Aye; contrary, No. The Ayes
4 have it. The calendar is adopted.
5 Are there any reports of standing committees
6 to be offered at this time?
7 (There was no response.)
8 THE PRESIDENT: Mr. Clerk, are there any pro-
9 posals which have been submitted to you?
10 MR. WAGONHEIM: No, there are not.
11 THE PRESIDENT: Are there any motions or
12 resolutions? Delegate Scanlan?
13 DELEGATE SCANLAN: Mr. President, I have a
14 resolution to offer.
15 THE PRESIDENT: Will the pages please distribute
16 the resolution unless it has already been distributed?
17 The Clerk will read the resolution.
18 MR. BURRELL: Resolution No. 1, by Delegate
19 Scanlan, Chairman of the Committee on Rules, Credentials
20 and Convention Budget, September 13, 1967:
21 A resolution to authorize the President to

1 appoint the Secretary, the Chief Clerk, the Sergeant at
2 Arms, the Parliamentarian, the Historian, and other
3 officers.
4 BE IT RESOLVED: That the President be and is
5 hereby authorized to appoint the Secretary, the Chief
6 Clerk, the Sergeant at Arms, the Parliamentarian, the
7 Historian and such other officers as may be necessary
8 from time to time.
9 THE PRESIDENT: Delegate Scanlan?
10 DELEGATE SCANLAN: Mr. President, this is of-
11 fered to clarify an ambiguity in the present rules. At
12 the July 12 session, Delegate --
13 THE PRESIDENT: Delegate Scanlan, under the
14 rules, the resolution will have to be referred to the
15 Committee unless the rules are suspended for the purpose
16 of discussion of the resolution now.
17 DELEGATE SCANLAN: I move that the rules be sus-
18 pended, to permit the resolution now pending before
19 this Convention to be considered by today's session.
20 THE PRESIDENT: Is there a second? Is there
21 any discussion? Are you ready for the question? The

1 question arises on the motion to suspend the rules to
2 permit consideration and discussion of Resolution No. 1
3 at this session. All in favor, signify by saying Aye;
4 contrary, No. The Ayes have it. It is so ordered. Dele-
5 gate Scanlan?
6 DELEGATE SCANLAN: As I was saying, the resolu-
7 tion now before this body is offered to clarify an
8 ambiguity that arose as a result of the message adopted
9 at our organizing session. You will recall the resolution
10 by Delegate Sickles. The Convention approved the
11 authority of the President to engage employees of the
12 Convention and to fix their salaries. It is true that the
13 word, officer, could be assigned to mean different than the
14 word, employee; but I think the general intent at the time
15 was to permit you to engage officers under the same
16 authority that the Convention had bestowed on you to en-
17 gage employees, but if there is any doubt about it, let's
18 put it to rest. This resolution would authorize you to
19 engage the Secretary, the Chief Clerk, the Sergeant at
20 Arms, the Parliamentiarian, and the Historian, and such
21 other officers as may be required in the future, and I

1 move its adoption, Mr. President.

2 THE PRESIDENT: Is there any further discussion?

3 DELEGATE BURDETTE: Mr. President?

4 THE PRESIDENT: Delegate Burdette.

5 DELEGATE BURDETTE: Mr. President, I should like

6 to ask if this rule, as proposed by the Chairman of the

7 Committee on Rules, does in effect permit the President

8 to create such other officers as may be necessary from

9 time to time; and if that interpretation can be placed

10 upon it, I should think that the rule should be amended

11 to leave the power to create the officer within the Con-

12 vention. A second question which I should like to ask

13 is whether or not this rule as worded -- my next question

14 is to ask whether or not in the opinion of the Chairman

15 of the Committee and of the Committee, this rule as here

16 worded would permit the President to fill vacancies in

17 such other offices as the vice-presidency should there

18 become vacancies?

19 THE PRESIDENT: Delegate Scanlan?

20 DELEGATE SCANLAN: My answer to the first question

21 is that there is no intention here to give the President

1 carte blanche authority to create any offices other than
2 those already provided for under the rules. The intention
3 is to create new officers, and the Convention must do that
4 by rule change. At that point the appointment of judicial
5 officers would flow from this rule.
6 Your second question, sir, I believe was whether
7 this would have any impact upon the matter of filling
8 vacancies should they arise in the office of either the
9 First or Second Vice-president. Since that is specifical-
10 ly provided for by the rule of the Convention already
11 adopted, which this resolution does not amend, I think
12 the answer to your question is that it would have no
13 impact on that, Dr. Burdette.
14 THE PRESIDENT: Any further discussion? Are
15 you ready for the question? The question arises on the
16 motion to adopt Resolution No. 1. All those in favor,
17 signify by saying Aye; contrary, No. The Ayes have it.
18 It is so ordered.
19 Are there any other motions or resolutions?
20 (There was no response.)
21 THE PRESIDENT: Is there any unfinished business?

1 (There was no response.)

2 THE PRESIDENT: If not, we will move on to the

3 next item on the agenda, which is announcements.

4 I have some announcements to make, and after I

5 conclude, I will call upon each chairman of the committees

6 to make any announcement he chooses as to committee meet-

7 ings or other matters pertaining to operation of the com-

8 mittees.

9 The first announcement is to announce formally

10 to the Convention, so that it may be entered upon the

11 Journal, the committee assignments and the appointment

12 of committee chairmen, of which you are all aware, and

13 which each delegate was notified in writing some weeks

14 ago. I have given the Reading Clerk a copy of the assign-

15 ments and will ask him to read the committee assignments

16 at this time.

17 THE CLERK: The Committee on Personal Rights

18 and The Preamble: Chairman, Delegate Richars W. Kiefer;

19 Delegates, Beachley, Bennett, Bothe, Burgess --

20 DELEGATE SHERBOW: Mr. President?

21 THE PRESIDENT: Delegate Sherbow.

1 DELEGATE SHERBOW: May I invite attention to
2 the fact that every chairman is aware of his assignment?
3 May I suggest that we now consider, so much as having been
4 read, the reading of the full committee assignments?
5 THE PRESIDENT: It is moved that so much as has
6 been read of the committee assignments be considered as a
7 reading of the entire list of committee assignments and
8 appointment of chairmen. Is there a second?
9 (Seconded.)
10 THE PRESIDENT: Is there any discussion? Are
11 you ready for the question? All those in favor, signify
12 by saying Aye; contrary, No. It is so ordered.
13 A few other announcements pertaining largely
14 to housekeeping matters that I overlooked yesterday or
15 did not have in mind at the time.
16 First, in order that the delegates and the com-
17 mittee chairmen may plan their schedule affairs for the
18 balance of the day, every effort will be made to meet for
19 this session promptly at 2 p.m. To that end, the call
20 bell will be sounded at quarter of the hour, and again at
21 five minutes of the hour; and we will start promptly at 2
p.m. I would anticipate in the next week or so that the

1 sessions would be very, very brief, fifteen minutes or
2 a half hour. There is, of course, always the possibility
3 that some matter may arise requiring more protracted
4 consideration, but I do not think it is likely that any
5 Convention sessions would in the course of the next week
6 or so extend for the whole afternoon. I think you can
7 plan your other engagements accordingly.
8 As I am sure all of you realize, there is con-
9 siderable confusion in the organization of the Convention
10 and of its staff. I am told by old legislative hands
11 that this is par for the course and that we can't expect
12 everything to function perfectly at the beginning. It
13 certainly is not functioning perfectly. The duplicating
14 center has caused us a great deal of dismay, discomfort,
15 but we are assured that it will function efficiently
16 from now on.
17 It will be the purpose of the staff to endeavor
18 to get to you promptly a copy of every document you should
19 have at the time required by the rules. This will mean
20 that the effort will be made to get to you promptly every
21 afternoon late the calendar and the agenda for the next day.

1 The effort will be made to have proposals intro-
2 duced by being delivered to the Chief Clerk reproduced
3 immediately, even before they are formally presented so
4 that copies may be in your possession when they are for-
5 mally presented.
6 Committees undoubtedly will have work that they
7 want duplicated and want duplicated promptly. At the
8 moment, there is a logjam, not because there is too much
9 to be done, but because the requisite number of skilled
10 persons and machinery to meet the demand is not available.
11 It is hard to estimate how many copies of things
12 should be made. We had 600 copies of the program printed,
13 thinking that this was at least 50 per cent more than
14 any reasonable demand. I think we have left something
15 like 10 or 12 printed programs, and perhaps as many as
16 25 or 30 irritated persons who want copies. We will have
17 some additional ones printed. It was just a case of
18 never anticipating that there would ever be anything
19 like this demand.
20 We had planned regularly to reproduce 300 copies
21 of everything that comes through, so that there will be a

1 copy for each delegate and sufficient copies for the
2 press, the information service, the Chief Clerk's office,
3 and everywhere else. Already there are indications that
4 on some things, at least, this will not be sufficient.
5 We have been asked to, on some documents, to have a copy
6 delivered to the member's desk in his committee room,
7 as well as here in the chamber. That alone would mean 284
8 copies so that we may have to increase the number.
9 May I ask that any of you who have suggestions
10 as to either a better distribution, a faster distribution,
11 a more orderly distribution, would you please pass the
12 word along, either through your committee chairman or
13 direct. I would also ask that you give us a written
14 memorandum, not because we want to be formal but simply
15 because my memory will not retain all of the messages I
16 have been getting in the corridor, and I am afraid I will
17 forget. If you think that any matter at all can be
18 improved procedurally, if you would just dictate a memoran-
19 dum to my secretary in the office, she will get it to me;
20 and I assure you that we will do everything possible to meet
21 these suggestions. After all, the organization of the

1 Convention is designed only for one purpose, and that is
2 to serve you who are the elected delegates, trying to
3 perform a task, and if we can't meet your demands, then
4 we are not serving the purpose of my staff.
5 Already we know and are mindful of some short-
6 ages. We are trying to overcome these. The principal
7 one of these is perhaps the lack of space within which
8 to put things. This is indeed serious because already
9 you have quite an accumulation, and you will get more.
10 I hope by the end of this week we will have
11 delivered a number of four- or five-drawer file cabinets
12 so that in your committee room each of you can at least
13 have for your own use a drawer of a file cabinet in ad-
14 dition to your desk. If you find this is not sufficient,
15 or if you have any other suggestions, I would greatly
16 appreciate it if you would pass them on or let your com-
17 mittee chairman know so that he can pass them on.
18 There is some confusion also about other pro-
19 cedural matters -- mail room and pages, telephones, et
20 cetera. We had hoped the telephone system would be com-
21 pletely set up and in full operation by Friday of last

1 week. As is quite obvious to all of you, this has not
2 been accomplished. The Telephone Company is working
3 very hard to set this up and tells me that in another day
4 or so it will be complete. At that time we will get out
5 for you a memorandum as to telephone extensions. As of
6 now, there is a memorandum listing the telephone extensions
7 for each committee room so that at least you have a phone
8 at which you can be reached. There are ample copies.
9 There are some in the chamber. There are others at the
10 information desk, and if you don't get one, if you will
11 stop at the secretary's office, you will get one there.
12 It is very important that we have completed
13 a roster as quickly as possible. We could now print a
14 roster containing the names and addresses. The reason
15 we are delaying is, as you know, we had hoped to print
16 with the roster a photograph, a small photograph of each
17 delegate. A number of delegates have asked us please
18 to do this. The thing that is needed is your presence at the
19 State Office Building today or tomorrow to have your photo-
20 graph taken for the I.D. card. We will use a similar
21 photograph for the directory. We are also holding up

1 the directory until we can be sure of the telephone ex-
2 tensions because nothing is more irritating than to have
3 it printed and then find out you have got to make a lot
4 of pen and ink corrections.
5 One other thing needed to complete the directory
6 is, gain your cooperation. Many of you have indicated,
7 since we first asked for the completed address list, a
8 desire to change the preferred address on the directory.
9 Will each of you please check the address you have given
10 as your preferred address and home number, et cetera,
11 and if you want to change it, will you dictate a memoran-
12 dum of the change to one of the secretaries in the office
13 of the Secretary of the Convention, a change of home
14 address, change of Annapolis address, telephone number,
15 any other information will enable the delegates to reach
16 you when you are not right here. I would greatly appre-
17 ciate it if you would each make it a point to do this,
18 certainly by the end of tomorrow; and we will assume that
19 if we don't hear from any of you or any we don't hear
20 from, we will assume the information that is already
21 available is complete and correct.

1 I want to announce also that there will be a
2 meeting of the chairmen of all committees in my office
3 immediately following the close of this session.
4 One other announcement by me has to do with
5 the parking lot. We have received urgent requests from
6 the persons having charge of the parking lot to confine
7 our use of it to the area set apart for us. In the large
8 parking lot, which is designated for our use, there is a
9 rope which separates approximately 40 or 50 spaces, I
10 believe. These have been assigned to the Governor's
11 Staff. A number of you weren't aware of this and parked
12 in those areas today. When you park on the lot, please do
13 not go behind the roped-off area, which purposely has
14 been made at the back end of the lot. I am not sure of
15 my directions, but that is the north end, I assume. Some
16 of you who are more familiar with Annapolis can correct me
17 if I am wrong.
18 I think they are all the announcements I have.
19 I would like now to call on each of the committee chair-
20 men for any announcements he may make. The Committee on
21 Calendar and Agenda, Delegate Powers.

1 DELEGATE POWERS: The Committee on Calendar
2 and Agenda will meet tomorrow afternoon at 1:45 at the
3 Committee Office on the second floor of the State House.
4 THE PRESIDENT: The Committee on Personal Rights
5 and The Preamble, Delegate Kiefer.
6 DELEGATE KIEFER: Mr. President, in view of your
7 announcement of the meeting of the chairmen, the meeting
8 that was called for this Committee immediately after
9 this meeting will have to proceed without me, but it will
10 proceed because we have Mr. James Gentry here talking to
11 us, and I will ask Mrs. Bothe if she will just attend
12 to this while I am gone.
13 THE PRESIDENT: Thank you. I should have added
14 two things to that announcement that I made. I do not
15 anticipate that the meeting of the committee chairmen
16 will last more than a half hour. It will probably be
17 closer to fifteen minutes. Secondly, I should have said
18 what I think is understood, that it is a meeting of com-
19 mittee chairmen and officers.
20 The Committee on Suffrage and Elections, Delegate
21 Koss.

1 DELEGATE KOSS: The Committee on Suffrage and
2 Elections will meet tomorrow morning, Mr. President, at
3 10 o'clock in the Committee Room in the Shaw House.
4 THE PRESIDENT: The Committee on Legislative
5 Branch, Delegate Gallagher.
6 DELEGATE GALLAGHER: Mr. President, the Committee
7 on the Legislative Branch will not meet after the full
8 session here this afternoon as originally announced, but
9 will meet tomorrow morning at 9 a.m. in the Committee
10 Room.
11 THE PRESIDENT: The Committee on the Executive
12 Branch, Delegate Morgan.
13 DELEGATE MORGAN: Mr. President, the Committee
14 on the Executive Branch was scheduled to meet this after-
15 noon right after the Convention adjourned. Because of
16 the meeting of the committee chairmen, it will have to
17 go on without me, and I will ask one of the other members
18 of the Committee to chair the Committee in my absence.
19 THE PRESIDENT: The Committee on the Judicial
20 Branch, Delegate Mudd.
21 DELEGATE MUDD: Mr. President, the next Committee

1 meeting of the Judicial Branch will not be held immediate-
2 ly following this session as previously announced but will
3 be tomorrow morning in Room H-9 at 10 a.m.
4 THE PRESIDENT: The Committee on Local Govern-
5 ment, Delegate Moser.
6 DELEGATE MOSER: Mr. President, the Committee
7 on Local Government will reconvene at 3:15 this afternoon
8 in its meeting rooms, which incidentally are the offices
9 occupied by the Senate Finance Committee on the first
10 floor of the Court of Appeals Building, for those dele-
11 gates who may wish to attend the meetings.
12 THE PRESIDENT: Committee on State Finance
13 and Taxation.
14 DELEGATE SHERBOW: Our Committee meeting which
15 is scheduled to take place this afternoon will continue
16 as scheduled, and I will ask Mr. Case if he will take
17 over the meeting this afternoon and get out the schedule
18 of meetings with witnesses that we have set for next week.
19 We are hopeful, Mr. President, that we will have an ad-
20 ministrative assistant very soon. We feel in need very much.
21 THE PRESIDENT: You will have. I might add

1 that your Committee is the most neglected committee in
2 the assignment of staff of any. It is now high on the
3 agenda of replacement.
4 The Committee on General Provisions, Delegate
5 Boyer.
6 DELEGATE BOYER: Mr. President, unaware of the
7 contemplated announcement of the Chair that the chairmen
8 of the committees will meet this afternoon, the Committee
9 on General Provisions had tentatively set a short re-
10 organizational meeting for this afternoon. I don't think
11 it is quite that important; so I think we will cancel our
12 meeting for this afternoon and meet tomorrow morning in the
13 Committee Room at 9 a.m. sharp. At that time, I would like
14 to announce at this time to members of the Committee, we
15 will have a witness who will be very important, and I
16 would suggest that you attend on time.
17 THE PRESIDENT: The Committee on Style, Drafting
18 and Arrangement, Delegate Penniman.
19 DELEGATE PENNIMAN: At this time I have no
20 announcement to make. We will hold a meeting beginning
21 sometime next week, but at this time there are no meetings

1 scheduled for this Committee.

2 THE PRESIDENT: Thank you. Any other announce-

3 ments? Delegate Morgan?

4 DELEGATE MORGAN: One of the members of my

5 Committee suggested that we postpone the meeting of the

6 Committee until 3:30 and so that is what the Committee

7 on the Executive Branch will do. We will meet at 3:30

8 down in the Committee Room.

9 THE PRESIDENT: What is it, Delegate Leitzel?

10 DELEGATE LEITZEL: I would like to make an

11 announcement of interest to the Baltimore County delegates.

12 A meeting has been called for 1:30 p.m. tomorrow afternoon

13 in the Ways and Means Committee Rooms in the basement of

14 the State House, 1:30 p.m. tomorrow, Baltimore County

15 delegates.

16 THE PRESIDENT: Let me suggest to you, Delegate

17 Leitzel, that you cannot use that room except by the

18 permission of the chairman of the committee assigned to it.

19 Have you talked to him about it?

20 DELEGATE LEITZEL: Miss Jacqueline McCurdy

21 talked to me. She said that had been cleared. That is

1 all I know about it.

2 THE PRESIDENT: I don't remember at the moment

3 which committee has that room. Delegate Gallagher?

4 DELEGATE GALLAGHER: Mr. President, Miss McCurdy

5 did speak to me, and since it is a 1:30 meeting, I told

6 her it is all right since it is so close to the 2 o'clock

7 session.

8 THE PRESIDENT: Thank you. Delegate Scanlan?

9 DELEGATE: Scanlan: I just want to announce

10 there will be a short meeting of the Rules Committee at

11 12:00 noon tomorrow in the Committee Hearing Room,

12 another basement meeting in the basement of the Shaw

13 House.

14 THE PRESIDENT: Delegate Scanlan, are your

15 members aware of which room that is? It is not the large

16 Baltimore City delegation room?

17 DELEGATE SCANLAN: No. It is not. We haven't

18 been around there. We have been holding our meetings in

19 more commodious quarters, but they might as well face up

20 to it now.

21 THE PRESIDENT: It is the room on your right as

1 you face the door to Main Street in the basement. I don't
2 know the number, but you won't have any difficulty.
3 Delegate Gallagher?
4 DELEGATE GALLAGHER: May I suggest to the members
5 of the various subcommittees appointed this morning of
6 the Legislative Branch that the Committee Room will be
7 available to them should they desire to meet this after-
8 noon to take up the various sub-matters that were assigned
9 to them; so the six subcommittees are invited to meet
10 voluntarily.
11 THE PRESIDENT: Thank you.
12 Any further announcements? Let me make one
13 comment about the audio system, which is a little too
14 much in operation, perhaps; but I think most of the
15 difficulty is in our use of it. The audio system that
16 is here now is a new system; it has just been installed.
17 It is a very sensitive, high fidelity system. It is
18 difficult, I am told, to adjust it at the controls here
19 to pick up with the same fidelity and degree of volume
20 the voices of different people, when the voices are of
21 such a wide range and timber and tone. This is complicated

1 by the fact that we all differ so in our habits as to how
2 far from our mouth we hold the microphone.
3 The loud hum which you hear is caused most
4 often by the voice directly hitting the sensitive micro-
5 phone. I think if you will get in the habit of holding
6 the microphone about six to eight inches from your mouth
7 and below it, talking over it, rather than into it, the
8 operator of the equipment here at the desk can control the
9 volume; and if your voice is too low, he can easily in-
10 crease the volume, but at least that will prevent the
11 annoying hum.
12 I believe there were a few delegates who came
13 in after the roll call. If there are any such who are
14 now present, will they please stand so they can indicate
15 their presence? Delegate Mitchell?
16 DELEGATE MITCHELL: I would like to indicate
17 my presence, and I would like to ask the Chairman if it
18 is possible for a delegate to make a comment at this
19 point, after the other delegates have indicated their
20 presence?
21 THE PRESIDENT: This is the period for announce-

1 ments. If it is pertinent to the business and is in the
2 nature of an announcement, I would say so.
3 DELEGATE MITCHELL: I simply, Mr. Chairman,
4 I would like to be corrected, but I would like to state
5 for the purpose of the record of this historic Convention
6 that I must disagree with the description of the Federal
7 Government, which our distinguished Chairman and President
8 of the Convention gave in his opening address yesterday
9 afternoon. It is my hope that this Convention will not
10 be a sounding board for anti-paternalism. I believe that
11 we are one nation. I believe that the demands of the
12 times are so great that teamwork among the officials
13 of the Federal and State Governments is essential to our
14 survival; and I hope I am wrong, but it seemed to me that
15 our President was declaring war on the Federal Government,
16 which in reality would be declaring war on ourselves.
17 I believe that we must face the fact that
18 there are some problems of this State, and the rest of the
19 States of this Union, such as the protection of human
20 rights, the building of highways, the conservation of our
21 natural resources, which are so intertwined that no one

1 State can resolve them alone, and if there is error in
2 the Federal Government, it is not the error of a foreign
3 power. It is our error. In a democratic government we
4 are the instruments for correcting mistakes, without
5 portraying our fellow Americans as villians at the worst,
6 stumblebums at the best; and I believe that in these days
7 of rapid transportation and electronic communication,
8 Washington, and certainly to Maryland, is as near as the
9 telephone and is as accessible as the airport ticket
10 counter. I think that in this Convention we must
11 continue to emphasize to our citizens and the State of
12 Maryland that Washington is our property, and the officials
13 are our officials; that we are the government, Federal
14 and State; and I would hope that in this Convention we
15 develop a stronger partnership because as no man is an
16 island, no State is an island, and we need each other.
17 THE PRESIDENT: I assure Delegate Mitchell that
18 the President was not declaring war on the national govern-
19 ment or anyone else.
20 Delegate Miller?
21 DELEGATE MILLER: I wish to record my presence,

1 Mr. Chairman. (Applause.)

2 THE PRESIDENT: Delegate Miller, inasmuch as we
3 are preserving this record on tape, we have to ask you
4 to repeat that in the microphone. If you will use the
5 microphone.

6 DELEGATE MILLER: In compliance with the state-
7 ment of the Chair that those that came in a little after
8 the roll call should rise, I have arisen.

9 THE PRESIDENT: Are there any other delegates?
10 Delegate Bamberger?

11 DELEGATE BAMBERGER: Mr. President, I wish to
12 report my presence.

13 THE PRESIDENT: Any other delegates present who
14 were not present at the roll call who desire to report
15 their presence? Delegate Della?

16 DELEGATE DELLA: Mr. President, because of the
17 court assignment of Delegate Bushong, I move that he be
18 excused from attendance today, only because of his court
19 assignment. He had to be in court.

20 THE PRESIDENT: Delegate Della, I will ask you
21 if you will consider it to withdraw your motion and hold

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1 it for a while, with this explanation. The Enabling Act,
2 which deals with the matter of pay and allowances of
3 delegates has some very explicit but unclear language.
4 I think we will have to have an opinion of the Attorney
5 General in order to know just how far the Convention can
6 go, and if you wouldn't mind withholding your motion, I
7 would give you an opportunity to make it at another day.
8 DELEGATE DELLA: As of today?
9 THE PRESIDENT: Effective as of today.
10 DELEGATE DELLA: Probably he could make the
11 motion then.
12 THE PRESIDENT: I, perhaps, should say a word
13 about this. I sincerely trust that the answer to this
14 question is going to be that the President has no dis-
15 cretion to exercise in excusing absences in that conven-
16 tion has little or no discretion. I say that because the
17 requests already received for absences for one reason or
18 another point out to me at least that it is almost impos-
19 sible to draw a line as to what would be a justifiable
20 excuse and what would not; but because of the explicit
21 language of the Enabling Act, I think we ought to have

1 this clarified very promptly.

2 Are there any other announcements?

3 (There was no response.)

4 THE PRESIDENT: If not, the Chair recognizes

5 Delegate Powers.

6 DELEGATE POWERS: Mr. President, having been

7 given a lesson in the proper use of the microphone, I

8 move the adjournment to 2 p.m. tomorrow, Thursday,

9 September 14.

10 THE PRESIDENT: The motion is to adjourn. All

11 in favor, signify by saying Aye. Contrary, No. It is so

12 ordered.

13 (Whereupon the Convention adjourned at 2:45 p.m.,

14 to reconvene Thursday, September 14, 1967, at 2 p.m.)

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Maryland Room
University of Maryland Library
College Park, Md.

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College Park Md

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3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
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8 ----------
9
10 Chamber of the House of Delegates
11 State Capitol
12 Annapolis, Maryland
13 September 14, 1967 - 2:00 p.m.
14
15 ----------
16
17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19
20 Reported by:
C. J. Hunt
21

1 THE PRESIDENT: The Convention will come to
2 order.
3 The invocation will be offered again today by
4 Delegate Price.
5 (At this time the invocation was offered by
6 Delegate Price.)
7 THE PRESIDENT: The roll call.
8 (Whereupon the roll call was taken.)
9 THE PRESIDENT: The Clerk will record.
10 There being a quorum present, the Convention
11 is in session.
12 I wish to announce to the Convention that
13 Delegate Gerald Morgan spent a very uncomfortable night.
14 He had chest pains and was very uncomfortable this morn-
15 ing, as a result of which he was sent to the hospital
16 where there was taken a cardiogram and X-ray. I have
17 talked to the doctor several times. He says he is
18 satisfied with his condition. It is not a heart attack.
19 He thinks it is some slight indisposition or perhaps
20 an attack of pleurisy. In any event, he has recommended
21 that Mr. Morgan stay away from the committees and the

1 Convention today and tomorrow. He is resting quietly
2 in his hotel room. I talked to him on the telephone
3 ten minutes ago, and he said he was feeling very comfort-
4 able.
5 DELEGATE PULLEN: Mr. Chairman, in a moment of
6 aberration I neglected to push a button. I assure you I
7 am here.
8 THE PRESIDENT: Record Delegate Pullen as being
9 present.
10 The Chair recognizes Delegate Powers, Chairman
11 of the Committee on Calendar and Agenda.
12 DELEGATE POWERS: Mr. President, the Committee
13 on Calendar and Agenda has concluded that the report of the
14 Rules Committee, which is on the agenda, was supposed to
15 be on the agenda for the reason that under Rule 64 there
16 is some question of interpretation as to whether the
17 matter has been in the possession of the delegates for not
18 less than two session days. In addition to that I would
19 like to say to the delegates that heretofore our Calendar
20 and Agenda has not been much more than copying the order
21 of business from the rules. From this time forward we

1 propose to make the daily Calendar and Agenda a more
2 particular and insofar as reports of committees, reports
3 of select committees, second and final reading of pro-
4 posals, unfinished business, special orders of the day
5 and general orders of the day, such matters will be
6 placed on the agenda in particular and should be on the
7 desk of each member before the close of business on the
8 previous day, not before the termination of the session
9 but before the business day ends. Of course, the intro-
10 duction of the first reading of proposals and motions
11 and resolutions will always be an item of business, and
12 we will be open for those matters so that it is necessary
13 that the Committee Chairman as well as individual dele-
14 gates who have any items that would normally come under
15 the categories which I have mentioned, which must be
16 particularized, should communicate either through the
17 liaison member of this Committee or with the office of
18 the Committee on Calendar and Agenda, not later than fif-
19 teen minutes after the close of the session on any given day
20 so that that matter may be considered for the agenda for
21 the following day.

1 The daily Calendar and Agenda in the format is
2 on all desks, and I move the acceptance of the format.
3 THE PRESIDENT: Is there a second? Any discus-
4 sion? Are you ready for the question? All those in
5 favor, signify by saying Aye; contrary, No. The Ayes
6 have it. It is so ordered. The next item of business
7 is the report of other standing committees. I don't
8 believe there are any. If not, we will move on to the
9 next item, introduction and first reading of proposals.
10 Before we do that, I would like to make a comment by way
11 of explanation. In an effort to speed up the process of
12 getting to the delegates copies of the proposals as soon
13 as possible, we have determined to reproduce them; that
14 is, to make the multilith copies before they are actually
15 read across the desk. This will enable you to have them
16 more readily, and normally you will have them on your desks
17 at the time they are first introduced. This poses a
18 slight problem in that it is always possible, of course,
19 that they will be introduced and at the last minute the
20 delegate may decide not to offer. I think we can take
21 care of that situation if it arises.

1 We are still experimenting with the multilith
2 arrangement, and we find that it poses quite a problem
3 to have the proposals multilithed in the interval between
4 noon and the meeting of the Convention at 2:00 p.m.
5 As is usually the case, most of the proposals come in
6 shortly before noon. We w ll be able, however, to do this
7 with an additional piece of equipment and a little more
8 manpower. Today we are not able to have on your desks,
9 or have delivered to you, copies of every proposal
10 that will be introduced this afternoon. They may come
11 over during the session. If not, they will be sent to
12 you very promptly.
13 In connection with this, I failed to announce
14 yesterday that the additional binder that was placed on your
15 desk in the chamber was for your use in keeping copies
16 of proposals referred to your committee. Normally, that
17 binder will be retained by you in your committee room.
18 You will be handed a copy of every proposal that is intro-
19 duced. That will be put in your binder in the chanber.
20 In addition, you will receive a copy of every proposal
21 that is referred to your committee. That should be in the

1 other binder which you will keep in your committee room.

2 Delegate Proposal No. 17. The Clerk will

3 read the proposal.

4 MR. BURRELL: Delegate Proposal No. 17: A

5 proposal that Section 2.09 of Article II of the Consti-

6 tution dealing with Suffrage and Elections shall read as

7 follows.

8 THE PRESIDENT: Referred to the Committee on

9 Suffrage and Elections.

10 Delegate Proposal No. 18. The Clerk will read

11 the proposal.

12 MR. BURRELL: Delegate Proposal No. 18: A

13 proposal that Article I of the Constitution dealing with

14 the Declaration of Rights shall read as follows.

15 THE PRESIDENT: Delegate Proposal No. 18 re-

16 ferred to the Committee on Personal Rights and The Pre-

17 amble. In connection with this proposal there should

18 have been distributed a memorandum prepared at the request

19 of the delegate making the proposal. This is a practice

20 which some of the other delegates may wish to follow.

21 If in introducing a proposal you desire to call the attention

1 of the committee which will consider it initially to
2 any specific authorities or references or points, you can
3 do so in supplemental memorandum, which we will distribute
4 to the delegates with the proposal. These memoranda
5 necessarily must be brief. They should not normally
6 extend over a page.
7 Delegate Proposal No. 19. The Clerk will read
8 the proposal.
9 MR. BURRELL: Delegate Proposal No. 19: A pro-
10 posal that Section 1.11 of Article I, Declaration of
11 Rights, shall read as follows:
12 THE PRESIDENT: Referred to the Committee on
13 Personal Rights and The Preamble.
14 Delegate Proposal No. 20. The Clerk will read
15 the proposal.
16 MR. BURRELL: Delegate Proposal No. 20: A
17 proposal that the Legislative Article of the Constitution
18 shall contain a provision establishing office of Ombuds-
19 man. I have been informed that the additional copies of
20 all proposals are here now. The pages will distribute
21 them.

1 Delegate Proposal No. 20, referred to the Com-
2 mittee on Legislative Branch.
3 Delegate Proposal No. 21. The Clerk will read
4 the proposal.
5 MR. BURRELL: Delegate Proposal No. 21: A pro-
6 posal that Article II, Section 2.01 shall read as follows.
7 THE PRESIDENT: Delegate Proposal No. 21 re-
8 ferred to the Committee on Suffrage and Elections.
9 Delegate Proposal No. 22. The Clerk will
10 read the proposal.
11 MR. BURRELL: Delegate Proposal No. 22: A
12 proposal to reduce from 21 to 19 the minimum age qualifi-
13 cation for voters.
14 THE PRESIDENT: I think I should comment just
15 briefly about that proposal. It is typed in such a manner
16 that it might lead you to believe that the only thing there
17 was the title and that the body had been omitted. This
18 is an idea proposal.
19 Delegate Proposal No. 22 is referred to the
20 Committee on Suffrage and Elections.
21 Delegate Proposal No. 23. The Clerk will read

1 the proposal.

2 MR. BURRELL: Delegate Proposal No. 23: A pro-
3 posal that the Constitution dealing with State Finance
4 shall read as follows.

5 THE PRESIDENT: Delegate Proposal No. 23 re-
6 ferred to the Committee on State Finance and Taxation.

7 Delegate Proposal No. 24. The Clerk will read
8 the proposal.

9 MR. BURRELL: Delegate Proposal No. 24: A pro-
10 posal to consider whether or not there should be a pro-
11 vision in the Maryland Constitution prohibiting or
12 relating to lotteries.

13 THE PRESIDENT: Delegate Proposal No. 24 referred
14 to the Committee on State Finance and Taxation. Mr. Clerk,
15 are there any other proposals?

16 MR. WAGONHEIM: No other proposals.

17 THE PRESIDENT: The next item of business,
18 motions and resolutions.

19 Resolution offered by Delegate George W. Della,
20 Resolution No. 2. The Clerk will read the resolution.

21 MR. BURRELL: Resolution concerning the daily

1 schedule of the Constitutional Convention.

2 THE PRESIDENT: Resolution No. 2 is referred to

3 the Committee on Rules. Delegate Della?

4 DELEGATE DELLA: Mr. President, inasmuch as

5 the Committee will not report until Monday, this resolu-

6 tion pertains to a Monday night session, and on that basis

7 I would like the Clerk to read the bill or the resolution

8 so I may offer a motion to suspend the rules so that the

9 motion may be considered.

10 THE PRESIDENT: Very well. I might say, Dele-

11 gate Della, that I think the Committee on Rules could

12 report tomorrow. I don't think it necessarily follows

13 they could not report.

14 DELEGATE DELLA: If they can report tomorrow,

15 it is perfectly all right.

16 THE PRESIDENT: I will address a query to

17 Delegate Scanlan, Chairman of the Committee on Rules.

18 Would it be possible for your Committee to meet, consider

19 Resolution No. 2, and report at the session tomorrow?

20 DELEGATE SCANLAN: I think it would be possible,

21 Mr. President. We had scheduled a meeting tomorrow at the

1 conclusion of the plenary session. I suppose, however,
2 that would be too late to capture the first Monday, but
3 we will certainly, certainly I can't poll the members of
4 my Committee, but at this moment, I will then call a
5 meeting of the Rules Committee immediately following the
6 conclusion of this session of the Convention and consider
7 only, and I repeat only, proposed Resolution No. 2, and
8 to report to the Convention tomorrow.
9 THE PRESIDENT: Thank you. Is that satisfactory?
10 DELEGATE DELLA: That is satisfactory.
11 THE PRESIDENT: Thank you.
12 Mr. Clerk, are there any other motions or reso-
13 lutions?
14 MR. WAGONHEIM: No, sir.
15 THE PRESIDENT: Delegate Scanlan?
16 DELEGATE SCANLAN: One of the members of my
17 Committee suggested we might expedite the matter further
18 if we didn't have to trip down to the basement of the
19 Shaw House, and we can meet in the lounge immediately
20 behind the rostrum following the conclusion of this
21 session of the Convention. I know some of the members of

1 my Committee have other meetings of substantive committees
2 of which they are members, but we will get to it in
3 the lounge rather than the basement.
4 THE PRESIDENT: I might suggest that is not always
5 a convenient place to meet. Delegate Mudd, are you
6 having a meeting in your committee room this afternoon?
7 DELEGATE MUDD: Yes, immediately following
8 the Convention.
9 THE PRESIDENT: Sir?
10 DELEGATE MUDD: Question, your Honor.
11 DELEGATE JAMES: Mr. President, I invite the
12 Committee to meet in my office.
13 THE PRESIDENT: Delegate James suggest that he
14 will make his office available for you.
15 DELEGATE SCANLAN: We will gather in the lounge
16 and then in Senator James' office. We may have reached
17 a decision by the time we reach his office.
18 THE PRESIDENT: I don't believe there is any
19 unfinished business carried over from the previous
20 session.
21 DELEGATE HUTCHINSON: Would you tell me if

1 Proposal No. 21 will be available to the delegates of the
2 Convention?
3 THE PRESIDENT: Delegate Proposal No. 21,
4 all proposals introduced today ought to be on your desk
5 now or will be in a few minutes. Are there any delegates
6 who do not have copies of all the proposals that have
7 been introduced today? If you will wait just a few
8 moments, it will be distributed to you.
9 While we are waiting for the resolution, I have
10 a few announcements to make.
11 You should have received this morning sometime
12 on your desks in the committee rooms a copy of the trans-
13 cript of the proceedings at the opening session on Tuesday.
14 That is the stenographic transcript for the proceedings
15 yesterday have been reproduced. I don't know whether
16 they have yet been collated to be available for you this
17 afternoon before you leave. They may be here. If not,
18 they will be sent to your committee rooms. Again, as soon
19 as we have sufficient equipment, and in this we simply
20 underestimated the demand for the equipment, it will be
21 our attempt to have the stenographic transcript on your

1 desks in the committee room early each morning. As long
2 as the sessions are short, this will not pose any problem.
3 The reporter types up the transcript almost immediately.
4 We will have to have a night crew working, but they will
5 do so and distribute the transcripts to you.
6 These transcripts, as the sessions continue,
7 are likely to become more and more bulky, and this will,
8 of course, at times cause some slowdown in the distribu-
9 tion. In order to enable you to keep tabs of what you
10 have, the pages will be numbered consecutively, not sep-
11 arately for each session. The first session, I think,
12 went to Page 59; the second session from Page 60 to 88.
13 We will continue that way so that you can always tell which,
14 if any, sessions are missing from your compilation by
15 reference to the pages.
16 In order to retain that continuity, there will
17 be a title page for each session, but it also will bear
18 the regular page number in order. In other words, the
19 title page for the first day, the second session, is
20 Page 60.
21 I do not know what your pleasure is as to

1 retention and use of these transcripts. They will, of
2 course, be very interesting and valuable to you in the
3 future as a historical document, and I am sure you will
4 want to preserve them. More immediately, they will be
5 very valuable to you hereafter as being a record of what
6 is actually said in debate. The purpose of having the
7 transcripts reproduced, or at least one of the purposes,
8 is that so when committees meet on a morning following
9 a session in which a proposal or a question may be debated,
10 there will be no uncertainty as to what action was taken
11 by the Convention or by the Committee of the Whole, or as
12 to what points were made in the debate. You will have
13 the stenographic transcript in front of you. This should
14 expedite the work of the committees.
15 I have no doubt that there will be a very con-
16 siderable demand for these transcripts. To a reasonable
17 extent we are planning to have copies available for
18 public use. We cannot possibly reproduce enough copies
19 so that any member of the public may get one. They will
20 be made available in libraries and other places. We are
21 making them available to the press.

1 If any of you have any suggestions or thoughts,
2 either as to, one, distribution, different or wider dis-
3 tribution of these transcripts, because as all of us
4 realize, it is absolutely imperative that the public be
5 kept informed as to exactly what is being debated and
6 what is being transpired, but also if any of you have
7 any suggestions as to some method that would be more con-
8 venient for you to keep and use these transcripts while
9 we are in session. We have not provided a means because
10 we are a little puzzled as to what is the best way to do
11 this. The storage space for the delegates is at such
12 a premium already that if we attempted to provide looseleaf
13 notebooks, each of you would end up with a great mass of
14 notebooks, which in themselves would take up space. One
15 suggestion is simply to leave them loose and you put them
16 in envelopes. Another is that we provide these, what I
17 call shoestring binders, these big cardboard binders
18 that are expandable to any degree.
19 I would suggest that since this is a matter
20 of your own use and the feasibility of different methods,
21 that you give consideration to a discussion in committee

1 meetings and any suggestions that you have, pass along
2 through your administrative assistant or chairman so
3 that we can work out a method of handling that will make
4 it of the highest utility.
5 Again, let me urge you to safeguard the trans-
6 cripts. It will not be possible to reproduce, reasonably
7 possible to reproduce once we have exhausted whatever
8 supply is originally reproduced. The time taken in re-
9 producing the transcripts is considerable, and if we get
10 to a point of trying to sort of interrupt the production
11 line and go back to it, we might slow down the work of
12 the Convention; so please regard those as very, very
13 important documents, much more so than your proposals.
14 It will be much easier for us to furnish you with addi-
15 tional copies of proposals. The transcripts are a very,
16 very valuable document.
17 Now, we are still, as everyone is fully aware
18 of, considerably disorganized. We haven't been able to
19 iron out all the problems. We are woefully short of
20 sufficient, really competent secretarial help and type-
21 writers. The Staff hasn't become fully acclimated on

1 doing the routine things, and accordingly, we have not
2 yet been able to put into effect what is regarded also
3 as very important for your use, and that is the two daily
4 calendars.
5 I hope that beginning this afternoon, the daily
6 calendar for the session of the Convention will be dis-
7 tributed the afternoon before. In other words, I hope
8 that before the dayis over, we will have on your desk in
9 the committee rooms a copy of the calendar and agenda
10 for tomorrow.
11 Please keep in mind that the reason for this,
12 and the importance of it, is to enable you to see in
13 advance what is going to be up for consideration at the
14 next session so that you can be prepared for it, prepared
15 to discuss it if that is your desire; but also, and this
16 is very important, so that you will know what action the
17 Committee on Calendar and Agenda proposes to take for the next
18 day and not have to wait until the beginning of the ses-
19 sion to learn what it is.
20 Under the procedure that has been worked out, the
21 report of the Committee on Calendar and Agenda will be

1 practically the first item of business. When Delegate
2 Powers makes his report, and moves that it be adopted,
3 the opportunity is then open to any delegate to move to
4 amend the calendar, either to add or delete any item.
5 This is the device which has been adopted to provide us
6 with a calendar that tells you in advance what is to be
7 done and at the same time leaves the final control of
8 the calendar in the hands of the Convention itself.
9 In addition, as you are aware, the rules pro-
10 vide that the Chairman of the Committee on Calendar
11 and Agenda may be recognized at any time, interrupt any
12 proceeding to recognize the Chairman of that Committee.
13 If, during the course of a session, because of some de-
14 velopment, you think a matter which has not been
15 scheduled should be considered in any way, it will be sim-
16 ple for you to slip over to the Chairman of the Committee,
17 discuss it with him. If he agrees with you, he can
18 move to amend the calendar right then and there.
19 If not, then, of course, it would go over to
20 the next day, unless there is a motion to suspend the
21 rules.

1 Now I think if we become clearly familiar with
2 this procedure, we will accomplish the two objectives
3 of the rule. That is, to have the calendar fixed so
4 that you know ahead of time what is going to happen at
5 any session and at the same time accomplish the purpose
6 of having the Convention and not the officers of the
7 Convention control the calendar.
8 Now, the second thing I do not think we will be
9 able to accomplish this afternoon, but I hope to have in
10 operation by Monday, and that is to have the calendar
11 of committee activities posted every afternoon on a daily
12 basis. This is going to require each committee to plan
13 in advance its schedule at least by noontime so that
14 the copies can be accumulated and put into one calendar,
15 reproduced. These will be posted on bulletin boards
16 but also in addition, there will be a copy of that calen-
17 dar placed on the desk in the committee room of each
18 delegate.
19 At the meeting of committee chairmen it was
20 suggested that in order to permit delegates who are
21 interested in speaking for or against a proposal pending

1 in a committee, or testifying on the proposal, to do so
2 with a minimum of interruption of their own committee
3 schedule. Any delegate desiring to testify before
4 another committee should contact both his own chairman
5 and the chairman of the other committee. He doesn't have
6 to do it personally. The administrative assistant can do
7 it for him. The two chairmen will then arrange a time
8 so that the delegate can be given a priority in testifying
9 before the other committee, and be absent from his own
10 committee a minimum of time.
11 One other announcement. I am quite sure that
12 everyone noticed the absence of blackeyed Susans on the
13 rostrum at the opening session. I want to assure you that
14 that was by no means an oversight of the Committee, con-
15 sisting of Delegates Murray, Clark and Rybczynski. They
16 tried manfully to secure an acceptable bouquet of black-
17 eyed Susans. They did procure some, but they decided
18 that their condition was such that it was better not to
19 grace the rostrum with them. That was made known to the
20 officers. As a result, through the efforts of the First
21 Vice-president, we now have the last blackeyed Susans of

1 the season on the rostrum, and they are presented to the
2 Convention with the best wishes of Mr. and Mrs. George
3 Monroe of Howard County, and through the efforts of
4 Vice-president Clark. (Applause.)
5 I have handed to me a memorandum from one of
6 the delegates, raising a question as to treatment for
7 Federal income tax purposes, and I suppose Maryland income
8 tax purposes also, of the expense allowance of the dele-
9 gates, and a suggestion that it would be helpful to
10 make an announcement to all the delegates concerning this
11 because some are under what I am sure is a misapprehension
12 that for income tax purposes they need not report the
13 expense allowance.
14 In all probability, they will be required to
15 report as income the expense allowance, but will be
16 entitled to deduct as an expense the amount of their full
17 expenses, regardless of whether it is more or less than
18 the amount of expense allowance. I would suggest to you
19 all, therefore, that you keep records of what your
20 actual expenses are.
21 We are endeavoring to work out with the Internal

1 Revenue Service some sort of an understanding and agree-
2 ment applicable to this Convention to simplify this book-
3 keeping so that we are not all going to be deluged with
4 restaurant chits and gasoline slips and all this sort of
5 thing. Just as soon as we can do this and can get some
6 definite understanding, the memorandum will be passed on
7 to you. In the meantime, I suggest that you keep as accurate
8 records as you can.
9 Are there any announcements by committee chair-
10 men? Delegate Sherbow?
11 DELEGATE SHERBOW: Mr. President, the Delegate
12 Proposal No. 8 relates to assessments and has particular
13 reference to the inclusion of property which is devoted to
14 agricultural or open space use. This is a subject which
15 will be of extreme interest to many groups. The Committee
16 has set hearings, but has not yet picked a date. We are
17 very anxious to have the delegates at the Convention
18 communicate with their County governments and with any other
19 interested groups, real estate, farming or otherwise, to
20 let them know that this is coming before the Committee
21 for a hearing, and if they will write to the Committee, we

1 will then know how best to schedule the hearing so that
2 we won't have everybody there on one day, but can spread
3 it over and make it more practical.
4 This is a matter of considerable importance to
5 many of the Counties. I would ask their delegations to
6 cooperate and make sure that the proper people are made
7 aware of the fact that there will be such hearings.
8 THE PRESIDENT: Thank you. Delegate Kiefer?
9 DELEGATE KIEFER: Mr. President, the Committee
10 on Personal Rights and Preamble wants to be sure that
11 the Convention has before it all the areas and the con-
12 cept of personal rights when it considers the Declaration
13 of Rights portion of the new Constitution; and to this end,
14 the Committee invites and urges each delegate to present
15 promptly any ideas of specific proposals which he or
16 she believes deserves their attention. The Committee also
17 invites and urges any individuals, groups or organizations
18 to do the same, with the desire that this Committee intro-
19 duce the proposal, that it should be forwarded in writing
20 to us as soon as possible. The Committee, of course,
21 will place certain proposals before the Convention on its

1 own issue. It is understood, of course, that submission
2 of any proposal by the Committee on Personal Rights and
3 Preamble or by its Chairman does not constitute an en-
4 dorsement or approval of the proposal, but is a means of
5 getting it before the Convention.
6 We hesitate to submit a deadline for submission
7 of proposal, but promptness in submitting them will give
8 the Committee a better opportunity for hearing to research
9 the dates and organization. This has to be organized in
10 groups so there can be orderly hearings. Witnesses will
11 be invited by the Committee, but we want to point out
12 that anyone, any individual, delegate, organization or
13 group who is submitting or is interested in any proposal
14 will, upon specific request, be given an opportunity to
15 appear before the Committee, and I want to repeat what
16 everybody knows, all meetings are open to the public and to
17 the press.
18 THE PRESIDENT: Thank you. Any further announce-
19 ments? Delegate Gallagher?
20 DELEGATE GALLAGHER: Mr. Chairman, this morning
21 the subcommittee studied the overlap of elective matters
with other committees of this Convention, and it was

1 reported to our Legislative Branch, and it is quite
2 obvious to our Committee that there are numerous areas
3 where we share joint interests with other committees of
4 the Constitutional Convention, even though the specific
5 subject matter may have been referred to another commit-
6 tee. Consequently, we have taken the liberty today
7 of appointing a liaison representative from the Legis-
8 lative Branch Committee to all the other substantive
9 committees of this Constitutional Convention, with the
10 hope that the committee chairmen will do likewise, and
11 that to this particular end, we are hopeful that we can
12 work together in certain areas of,mutual interest to
13 eliminate the possibility of double hearings, so that
14 when we have something of common interest with another
15 committee which will keep the difficulties of travel down
16 as far as waits are concerned; so with the permission of
17 the Chair, which hopefully we have received, we have made
18 these appointments of members of our Committee to work
19 directly with the chairmen of the other substantive com-
20 mittees, and we look forward to perhaps similar activity
21 on the part of the substantive committees as well as with

1 respect to all the committees of the Constitution.

2 THE PRESIDENT: Thank you. I would suggest

3 that two things -- one, that you be sure to let your

4 officer liaison member know this so that he can attempt

5 to coordinate interest, and I would also appreciate it

6 if you would let me have a memorandum so that I know

7 what is going on in this area.

8 There will unquestionably be difficulties in

9 which a particular subject matter is of interest to two

10 committees, and it would be highly desirable to the

11 greatest possible extent the committee chairmen arrange

12 in those instances to hold joint hearings, not only for

13 the convenience of the public and people who are testify-

14 ing, but also for the coordination of the work of the

15 Convention.

16 It would be unfortunate to have one committee

17 lagging behind another in consideration of the same general

18 area.

19 Any announcements by other committee chairmen?

20 DELEGATE SCANLAN: Mr. President, I want to

21 know if Resolution No. 2 is on the desk of the delegates

1 at this time. This is the resolution by Senator Della
2 that our Committee has been asked to consider on an
3 emergency basis.
4 THE PRESIDENT: It is not. It will be distri-
5 buted within the next hour by the pages direct to the
6 delegates. We will see that your Committee has copies.
7 DELEGATE SCANLAN: Thank you.
8 THE PRESIDENT: Would you state your name,
9 please?
10 DELEGATE WHEATLEY: A parliamentary inquiry
11 in regard to the comments by the Chairman of the Legis-
12 lative Committee. Our Committee today, in considering
13 several matters along the line of interrelationships,
14 did not discuss the question of the re-referral from one
15 committee to the other. My question would be under
16 Rule 54, being not explicit, would it be contemplated by
17 the Rules Committee that a committee could re-refer,
18 with the permission of the Chair, to another committee,
19 should they find that perhaps the area of inquiry is not
20 directly in line with their committee responsibility.
21 THE PRESIDENT: I would anticipate that the

1 committee could report the proposal back to the Conven-
2 tion and it could be re-referred.
3 DELEGATE WHEATLEY: Would that be possible?
4 THE PRESIDENT: Yes. I would further suggest
5 to you that the next situation, it would be very helpful
6 if you can alert me in advance, there is less possibility
7 that I would make a mistake and refer it to the wrong
8 committee if I have a little time to think about it.
9 DELEGATE WHEATLEY: We were thinking of the
10 lines of inquiry, where we feel it would be more aptly
11 handled by another committee.
12 THE PRESIDENT: This is entirely possible, and
13 I want to emphasize in this connection I think it is clear
14 that the intent of the rules is not to lay down such
15 arbitrary lines of division among the work of the various
16 committees that you can't have this flexibility, and of
17 course, when I read a proposal, if they come very rapidly,
18 as they did today, I don't have the opportunity to read them
19 rapidly, and I might make a mistake and refer them to the
20 wrong committee. I wish you would not stand on ceremony;
21 and if this happens, say so right away, or if you don't know

1 so until after the session, call it to my attention, and
2 we will correct it at the next session.
3 DELEGATE WHEATLEY: Thank you.
4 THE PRESIDENT: Any other announcements by
5 committee chairmen? Delegate Boyer?
6 DELEGATE BOYER: The hardworking Committee on
7 General Provisions will continue its deliberations im-
8 mediately after the session and again tomorrow morning at
9 10:00 o'clock.
10 THE PRESIDENT: Delegate Moser?
11 DELEGATE MOSER: Mr. President, the subcom-
12 mittees appointed this morning by the Committee on Local
13 Affairs will meet, I would say, fifteen minutes after
14 this session. Some members, I think, are on the Rules
15 Committee. There will be a meeting of the Local Govern-
16 ment Committee tomorrow morning commencing at 9 o'clock.
17 THE PRESIDENT: Any further announcements by com-
18 mittee chairman?
19 DELEGATE GALLAGHER: Mr. President?
20 THE PRESIDENT: Delegate Gallagher.
21 DELEGATE GALLAGHER: The Committee on Legislative

1 Branch will meet tomorrow morning at 9:30, at which time
2 five of the members of the Committee who either are
3 now or have been in the past members of the Legislature,
4 will conduct a panel discussion with respect to certain
5 stipulated topics pertaining to the Constitutional pro-
6 visions relating to the Legislative Branch.
7 THE PRESIDENT: Thank you.
8 Any other announcements?
9 (There was no response.)
10 THE PRESIDENT: I want to mention one other
11 thing in connection with Mr. Morgan. As I indicated, he
12 is in the hotel and is resting. I am sure that all of
13 you would like to pay your respects through a phone call
14 or something, but nothing could be more disturbing to him
15 or cause him more discomfort. I suggest to you that
16 Delegate Clarke, Edward Clarke, who was with Mr. Morgan
17 this morning when he first felt the discomfort very
18 severely and who has been with him quite constantly today,
19 would be a good source of information or inquiry, and I
20 am sure that Delegate Clarke would be only too glad to
21 transmit for you your best wishes to Delegate Morgan.

1 Are there any delegates present now who were not
2 present at the roll call who desire to note their presence?
3 If not, the Chair recognizes Delegate Powers.
4 DELEGATE POWERS: Mr. President, I move we ad-
5 journ until 2:00 p.m. tomorrow, Friday, September 15.
6 THE PRESIDENT: All those in favor, signify
7 by saying Aye; contrary, No. So ordered.
8 If you will remain in your seats for just a
9 moment, the resolution is here. The pages will bring it
10 to you. It will save us sending them out.
11 Delegate Clarke suggests that he would like
12 to chat a moment with the delegates from Montgomery County
13 in the front of the chamber.
14 (Whereupon the session was adjourned at 2:55 p.m.,
15 to reconvene the following day.)
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College Park, Md.

CONSTITUTIONAL CONVENTION

OF THE

STATE OF MARYLAND

Chamber of the House of Delegates

State Capitol

Annapolis, Maryland

September 15, 1967 - 2:00 p.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
C. J. Hunt

1 THE PRESIDENT: The Convention will come to
2 order.
3 The invocation today will be delivered by the
4 Reverend Leslie Fairfield of St. Anne's Episcopal Church,
5 Annapolis. Reverend Fairfield.
6 (At this time the invocation was offered by
7 Reverend Fairfield.)
8 THE PRESIDENT: The roll call.
9 (At this time the roll call was taken.)
10 THE PRESIDENT: Delegate Armor, Delegate Boyce,
11 Delegate Pullen, Delegate Webster. The Clerk will record.
12 The Chair recognizes Delegate Powers, Chairman
13 of the Committee on Calendar and Agenda.
14 DELEGATE POWERS: Mr. President, the officers
15 of the Convention and the Committee on Calendar and Agenda
16 are suggesting that beginning now and until required by
17 the business of the Convention to the contrary, that on
18 Mondays of each week, beginning next Monday, that we con-
19 vene at 4 p.m. instead of the usual house of 2:00. Of
20 course, after the business requires greater time, this
21 will undoubtedly be adjusted.

1 The daily Calendar and Agenda which the dele-
2 gates will find on their desks includes under Item 5, the
3 consideration of Resolution No. 2 by Delegate George W.
4 Della. Since that has the effect of being an amendment
5 to the rules, and raises a question as to whether it would
6 run counter to Rule 64 requiring that it be in possession
7 of the delegates for two full session days, my motion to
8 approve the report of the Committee on Calendar and
9 Agenda will include the suspension of the rules in order
10 that that resolution may be considered at its place in the
11 agenda. I so move.
12 THE PRESIDENT: Is there a second? The motion is
13 duly made that the calendar be approved and that the rules
14 be suspended to permit the consideration at this session
15 of Item 52 on the calendar. Are you ready for the question?
16 All in favor, signify by saying Aye; contrary, No. The
17 Ayes have it. So ordered.
18 I call on Delegate Scanlan, Chairman of the
19 Committee on Rules, Credentials and Convention Budget,
20 and inasmuch as the report from Delegate Scanlan may be
21 somewhat detailed, I suggest he come to the Reading

1 Clerk's desk and give his report.

2 DELEGATE SCANLAN: Mr. President, fellow dele-
3 gates, I have the honor of presenting the first report of
4 the Committee on Rules, Credentials and Convention Budget.
5 As you will recall, the report was distributed, I believe,
6 at the conclusion of our first session, our opening
7 session on September 12. It has now laid over for the
8 required two session days. I would like briefly to sum-
9 marize it. Most of you, I am sure, have read it, and I
10 will not try to duplicate the written comments you have
11 before you.

12 With the approval, Mr. President, of yourself
13 and delegates, I would like to pass, to return, however,
14 to the matter covered on the first page and a half of
15 our report, that is, the material dealing with the pro-
16 posed amendment to Amendment No. 5, and take up the report
17 in the middle of Page 2, where we recommend a clarifying
18 amendment that turns out to be not a clarifying amendment.
19 We were right the first time. The Parliamentarian has
20 checked, and I would like to withdraw at this time at
21 least the proposed amendment to Rule 20.

1 That brings us to Rule 20(a) which is a proposed
2 substantive change. Without reading the entire proposed
3 new rule, that the Committee rules have offered for your
4 consideration, I would like to say this. It is a rule
5 that would put a limit on the length of time that a
6 delegate can hold the floor in a discussion or debate.
7 The limit would be fifteen minutes. However, there are
8 a number of conspicuous exceptions to what at first blush
9 might seem to be a restriction on free speech.
10 The first conspicuous exception is that at any
11 time a majority of the delegates present voting desire
12 it, a delegate can extend his remarks. The second impor-
13 tant exception to it is that a chairman of a committee
14 present presenting his report can speak longer than the
15 fifteen-minute interval. Obviously some committee reports
16 will be very lengthy, and require extended explanation
17 and discussion.
18 A similar privilege is afforded the minority
19 spokesman in defending a minority report of a committee
20 of this Convention.
21 I think in point of fact, it is a rule that

1 hopefully it would never have to be used. It would be
2 used, I think, at the one particular where its use would
3 be efficacious, in the closing days of this Convention
4 when we are debating either on second or third reading,
5 but certainly second reading and the minority, blessed
6 with a stamina and lung power, could make an extended
7 stand. In the ordinary legislative body it wouldn't
8 make a great deal of difference, but when you have a dead-
9 line, as we have, to get your work done, it would mean that
10 in the end, provided the minority was determined enough
11 and strong and persistent enough, the minority could
12 require the majority to capitulate, compromise in a way that
13 the majority otherwise might not want to compromise; but
14 I think the ordinary case, most of the days of this Con-
15 vention, if the delegate went over the fifteen-minute
16 limit, very little would be done about it, and if he
17 needed to get permission of the Convention, I am sure it
18 would be given. The Congress of the United States has
19 a similar rule in, I believe, the Committee of the Whole.
20 For those reasons the Committee has urged or recommended
21 the adoption of a new Rule 20(a).

1 Now we have also recommended an amendment to
2 Rule 21. Unless this amendment is adopted, I am afraid
3 not only the former governor of this State but two of
4 its distinguished legislators, Senator James and Senator
5 Clark will have to be expelled from their seats. As you
6 will recall, Rule 21 requires us all to be seated alpha-
7 betically. The change we suggest would legalize
8 Governor Tawes, Senator James, Senator Clark and the
9 President. I assume there is really no great dispute
10 about that.
11 There is a proposed amendment to Rule 24. That
12 is the rule that deals with the Committee of the Whole.
13 As the rule is now written, it restricts the Committee
14 of the Whole from referring a report to any committee --
15 I am sorry -- as the rule is now written, there is some
16 doubt whether a committee could sit when the Committee of
17 the Whole was sitting. Delegate Chabot brought this up,
18 I believe, in July and suggested that we ought to make
19 it clear that the committee could sit if it got the per-
20 mission of the Committee of the Whole. Otherwise, you
21 might run into a situation where the Committee of the Whole

1 could preclude committees from finishing up their impor-
2 tant business by not permitting them to sit. I think it
3 received the unanimous support of our Committee. Proposed
4 amendment to Rule 28, the rule that deals with the com-
5 mittees. Delegate Chabot had different language, but I
6 think the basic idea was that all committees should give
7 reasons for their reports and their recommendations. The
8 language we have recommended as the last sentence to
9 Rule 28 states, All committee recommendations shall be
10 accompanied by a concise written explanation of the
11 reasons for the committee's action.
12 I think that such an amendment is meritorious,
13 for two fundamental reasons. In the first place from
14 the point of view of the legislative history of this
15 Constitutional Convention, most of you have had occasion
16 to deal with problems arising under the 1867 Constitution,
17 and the Convention, especially those of you who are mem-
18 bers of the Bar, you are distressed, I am sure, have been
19 distressed by the paucity of legislative history that
20 accompanied the recommendations of that historic body.
21 They did not have in those days even written committee

1 reports, and if it wasn't for an enterprising reporter
2 of The Sunpapers, we would probably have no record; but
3 there is no reason why committees should not give reasons
4 to preserve the record for posterity. There is an equally
5 important and more contemporaneous reason. That is for
6 the education of the delegates. After all, we are only
7 members of one substantive committee, which will occupy
8 most of our time and attention, and when a proposal comes
9 to us from a committee, if all we had was the bare proposal,
10 how in heaven's name would we be enlightened as to what
11 it really meant and what the reason for it was?
12 On the other hand, we don't necessarily want
13 Ulysses or the Holy Bible to accompany every committee
14 report, and upon the suggestion of Senator James, we have
15 put in the word, concise, which fortunately, while the
16 word is concise, it means concise, it is capable of being
17 given a broad and flexible interpretation. In any event,
18 I always thought that the rules as originally drafted im-
19 plied that all the substantive committee reports would be
20 written; and I think a number of the members of the Com-
21 mittee are of the same view. When we discovered that

1 other members of the Committee didn't read the rules that
2 way at all, we all agreed. I think it was unanimous,
3 possibly one slight dissent, not really a diss ent. I
4 think it was practically unanimous. We all agreed that
5 the rule should make it perfectly clear that reports of
6 the substantive committees of this Convention on matters
7 pertaining to amendment, possible amendment of our Con-
8 stitution, should be in writing and should be giving
9 reasons.
10 Then we proposed an amendment to Rule 28(a).
11 Rule 28(a), again, is a matter of some substance. It
12 reads, Except upon the affirmative vote of a majority
13 of the delegates present and voting, the Committee of the
14 Whole will receive no final report of a substantive com-
15 mittee after November 17, 1967.
16 This rule is a reflection of the fact that we
17 operate under statutory deadline. It has in precedence,
18 the most recent precedence we were able to find is the
19 New York Constitutional Convention which has imposed upon
20 its delegates a similar deadline. It is slightly dif-
21 ferent language than the New York proposal as opposed to

1 the way we propose it. The New York Convention is not
2 under a statutory deadline. They imposed a deadline on
3 themselves because they wanted to get the proposed new
4 Constitution on the ballot in the November elections. We
5 have a statutory deadline, whether it is December 12, 1967,
6 or January 12, 1968, and this rule would act as a prod
7 to the substantive committees to get their reports to the
8 Committee of the Whole by that date, which is just a little
9 over two months after we have begun here on September 12;
10 but I think there was some feeling initially in the Com-
11 mittee that this date was maybe a little too soon. With
12 more reflection about it, the more we found it was a sound
13 date; that all this rule would insure would be that the
14 report would get to the Committee of the Whole. Then we
15 would have extended debates, but there is, of course, an
16 escape clause. Obviously some committees will want to go
17 back and look at something else, or other committees for
18 good and sufficient reason will not be able to meet the
19 deadline; and if there is a good reason why a substantive
20 report should be received belatedly, the majority of the
21 delegates present and voting would have the power to

1 receive it. I believe, again, that recommendation was
2 unanimous.
3 Our proposed amendment to Rule 36 is a clarify-
4 ing amendment to eliminate an inconsistency. At the
5 present time Rule 54 provides in the order of proceeding
6 that when the report of the Committee of the Whole is
7 approved, it would go to the Committee on Style. Rule 36,
8 however, as it is now written, indicates that the Committee
9 of the Whole can refer a report to any committee. This
10 is an attempt to eliminate that inconsistency.
11 That brings us to our proposed amendment to
12 Rule 37. This is a rule, I might as well read it -- this
13 is again a fairly important substantive proposal: Before
14 a proposal is taken up by the Committee of the Whole,
15 any delegate, with the Chairman of the Committee on Calen-
16 dar and Agenda having the prior right shall be privileged
17 to move that a limitation be placed upon the time of the
18 debate and consideration of such proposal by the Committee
19 of the Whole; provided that equal time is to be afforded to
20 the proponents and opponents of such proposal, and the
21 Committee may fix in advance consideration of a proposal

1 a time for the Committee to arise and report.

2 You will recall that in our rules we have

3 adopted the Committee of the Whole procedure. That is the

4 place where we let down our hair, where debate is free

5 and where no restrictions on the number of times a dele-

6 gate can speak, and where the previous question cannot be

7 moved. Therefore, unless there was some procedure by

8 which time limitations could be set on debate in the

9 Committee of the Whole, it is possible that the Committee

10 of the Whole could be used as a filibuster device.

11 The rule that we have proposed is drawn, modeled

12 upon, not taken from, a rule adopted with success by the

13 New Jersey Constitutional Convention of 1947. There are

14 two substantial changes made in it. As originally pro-

15 posed in our Committee, Senator Malkus proposed and the

16 Committee unanimously approved the proviso that makes it

17 clear that if a time limitation is set on a proposal that

18 the proponents and opponents shall have equal time. The

19 practice, I think, as Congressman Sickles has pointed out,

20 is substantially, I wouldn't say identical with, but

21 modeled upon the practice that prevailed in the House of

1 Representatives of the United States Congress where in
2 the Congress, the leader, the Chairman of the Substantive
3 Committee, and the leader of the minority would go to the
4 Rules Committee, and they would get a rule as to the amount
5 of time permitted for debate. Our procedure here would be
6 that generally the Chairman of the Committee on Calendar --
7 I assume after listening to the Chairman of the Substantive
8 Committee, and after listening to those that are going
9 to take a different point of view, would move, for in-
10 stance, take an obvious example, the question of whether
11 or not it should be a unicameral or bicameral Legislature,
12 that three hours, whatever it may be, three or four hours
13 be allotted in the substantive proposal and the opponents
14 and proponents would have equal time. However, the Com-
15 mittee at any time could amend it to extend the time. That
16 happens frequently in the Congress, I am told. It is one
17 device at least to preclude the possibility that the
18 Committee of thw Whole could be utilized in a way that
19 would prevent filibuste r.
20 Our proposed amendment to Rule 48, I believe,
21 was suggested by Delegate Chabot in July. The way the

1 rule is now drafted, when the previous question is moved,
2 it takes down not only the pending question with respect
3 to which the previous question has been moved, but it
4 would take down all amendments on the Clerk's desk at that
5 time. I think the purpose of the language, and I think
6 here we drew from the Michigan Constitutional Convention,
7 which in turn, I believe, drew from a peculiar provision
8 of the Michigan Legislature, was to eliminate the pos-
9 sibility of using a series of frivolous amendments to
10 hold up debate. On the other hand, as Delegate Chabot
11 pointed out, and the Committee unanimously agrees, if the
12 previous question takes down everything, it means you
13 wouldn't even have an opportunity to debate a very good
14 amendment that you wanted to debate. There are other
15 ways to avoid frivolous amendments. They can always be
16 moved to be tabled. If that motion is not debatable on
17 ballot, the Committee was of the view that the change sug-
18 gested is one that should be adopted by the Convention.
19 That ends the specific recommendations that we
20 offer today as far as the report, but I would just like
21 in terms of amendments to the rules, I would just like to

1 say we also recommend as part of our report, it needn't
2 be done by rule, that the Secretary of the Convention
3 have the power, provided he furnishes the Convention with
4 a copy of what he has done, to eliminate numerical, you
5 know, cross reference, numerical errors, grammatical
6 errors, that sort of thing; and I think rather than come
7 back to this Convention every time we found out that we
8 didn't dot an "i" or made an erroneous cross reference,
9 that this would be a sensible way to do it.
10 There was also a proposal originally suggested
11 by Delegate Case, who unfortunately is ill today, that
12 would have limited debate on third reading to new matters,
13 and Delegate Case's proposal had some merit. The
14 Committee considered it carefully, but we feel in view of
15 the liberality with which the previous question can be
16 moved in the Convention, not in the Committee of the
17 Whole, but in the Convention, there was no need to put any
18 further restrictions on what the content of debate on
19 third reading would be; so we rejected that proposal.
20 There was also some question of whether the Chai-
21

1 had quthority to call upon various committee chairmen
2 to give a little status report whenever that was appro-
3 priate, whether we needed a rule for that. The Committee
4 was of the opinion that no such rule was necessary.
5 So at the end, I return to the beginning, which
6 was our proposed amendment to Rule 5. You will recall what?
7 Let me put it this way: The original proposal was that both
8 the Chairman and the Vice-chairman of the Committees of this
9 Convention would be selected by the President, but in the
10 meeting of the Temporary Rules Committee a few days
11 before our organizing session in July, on motion, I be-
12 lieve of Delegate Gallagher, it was approved, recommended
13 and approved that vice-chairmen be elected. During the
14 debate on the adoption of the rules in our organizing ses-
15 sion in July, I believe Delegate Grumbacher offered an
16 amendment which would have made the vice-chairmen sub-
17 ject to the same procedure as the chairman. Both would
18 be appointed. That motion was defeated. In the interval
19 Senator Malkus sponsored an amendment which would go
20 back to the original amendment, the original proposal
21 and have vice-chairmen appointed by the President. There

1 were a number of us the first time around on the Com-
2 mittee, a substantial majority, I guess all but one,
3 thought Senator Malkus's suggestion was a sound one.
4 This was the way it should have been done in the first
5 instance. However, I for one now recognize the wisdom
6 of the rule that required the proposed amendment to the
7 rules to lay over for two days. During the two full
8 sessions, actually almost three, since you had this pro-
9 posed change on Tuesday, it has been possible for myself
10 and other members of the Rules Committee to contact
11 especially chairmen of the substantive committees. We
12 understand that very few, as far as I can see no excep-
13 tions, it is a matter if indifference to them whether
14 the vice-chairmen are elected or whether appointed by the
15 President. This, then, removes one of the assumptions
16 upon which the rule change was made. The Committee
17 originally recommended the vice-chairmen be appointed
18 because this would possibly raise the hazard they may be in
19 a dispute with the Chairman; that they would be elected
20 by their peers. He would have been appointed by the
21 President. There might be a division of power there, and

1 the vice-chairman might be the real powerful man. On
2 the other hand, the Convention would be looking to the
3 chairman to get the job done, but since we now have
4 learned that the Chairmen are not at all concerned about
5 the rule as it now stands, and since unfortunately, due
6 to, well, I think it has been misconstrued and misinter-
7 preted as a possible clash of power, and would produce
8 a floor fight for nothing, finally because as one of the
9 Committee members points out, what does a vice-chairman
10 do? It is sort of like Will Rogers's definition of a
11 lieutenant governor. He knocks on the door. The door
12 opens. He says, How is the Governor; someone says, Fine.
13 He says, Oh, hell, and goes out and plays golf.
14 Really, when you reduce it to its simplest
15 terms, the Committee felt that the game was not worth the
16 gamble, and we are therefore withdrawing our proposed
17 amendment to Rule 5. Therefore, Mr. President, fellow
18 delegates, I move that the first report of the Committee
19 on Rules, Credentials and Convention Budget be adopted, with
20 the exception that our proposed amendment to Rule 5 and
21 Rule 20 be withdrawn and not be considered part of the

1 report now pending before the Convention.

2 THE PRESIDENT: Before we act on the motion, or

3 even receive a second, I want to give the delegates the

4 opportunity to ask the Chairman of the Committee any

5 questions about his report up to this point. Are there

6 any questions to be asked of the Chairman of the Committee?

7 Delegate Chabot?

8 DELEGATE CHABOT: A parliamentary inquiry,

9 Mr. Chairman: The rule that limits the members to

10 speaking once on each subject, does this apply to the

11 entire report or may they speak once as to all the

12 amendments, or are the amendments to be taken up seriatum

13 so that we may speak once as to each of them?

14 THE PRESIDENT: The Chair proposes to make the

15 following rules in connection with the report of the Com-

16 mittee and the motion just made.

17 In the absence of objection, the Committee's

18 withdrawal of its proposed amendment to Rule 5 would be

19 accepted. If there is any objection, the proposal will

20 not be withdrawn. If any member desires to have separate

21 debate on the various rule changes, there will be separate

1 debate on the various rule changes. Therefore, if a
2 member desires to speak more than once, I would suggest
3 that he request separate consideration of any rules as
4 to which he may desire to comment.
5 DELEGATE CHABOT: I would like to ask a ques-
6 tion of the Chairman of the Rules Committee with regard
7 to the meaning of proposed Rule 20(a). At the second
8 reading of a proposal, the proposal will be before the
9 Convention in the form of a report from the Committee on
10 Drafting, still an argument, and not before the Convention
11 in the form of a report from the Substantive Committee.
12 Will the Chairman of the Substantive Committee
13 have the privileges of a chairman of the Committee under
14 the Rule 20(a) at the time of the second reading?
15 DELEGATE SCANLAN: I think that would be the
16 intention. I would think the Chairman of the Committee
17 on Style, if the report he was presenting would give
18 rise to substantive questions, would defer to the Chairman
19 of the original Substantive Committee from which it came,
20 and he would stand in the shoes of the Chairman of the
21 Committee of the Whole and would have the privileges

1 afforded by the rule.

2 DELEGATE CHABOT: May I ask the question with

3 regard to Rule 28(a). As I understand, the Committee on

4 General Provisions is required to report a schedule of

5 interim legislation where appropriate, and I suspect

6 that it is probable that the Committee cannot effectively

7 do its work until after the Convention has done a sub-

8 stantial part of its work on the parts of the Constitution.

9 Was the question of the status of such a schedule intended

10 to be also the subject of this November 17 time limit?

11 DELEGATE SCANLAN: Let me put it this way.

12 That issue was never presented to the Committee in the

13 terms that you have just stated it. I for one certainly

14 take the position that since the Committee on General

15 Provisions can hardly prepare a schedule if it has

16 nothing else before it, that obviously the rule was not

17 intended to reach them; but I think on the other hand,

18 you would not want to draft the rule with the general

19 exemption in favor of the Committee on General Provisions,

20 because they have other substantive work to do, too; so

21 I would suggest for the while that we leave the rule as

1 proposed, and maybe draft some language. After all, the
2 Committee on Rules will be here for the next 90, perhaps
3 120 days. It is not a matter that we have to reach today,
4 since it will be a tailend matter. Obviously, I would
5 think in that case, an affirmative vote of the majority
6 of delegates would entertain a report from the Committee
7 on General Provisions dealing with the schedule, but I
8 agree with you, let's make it clear; but I think we can do
9 that with careful language as a further amendment to
10 Rule 28(a). I agree with you, the intent of this rule
11 as it now stands is not to preclude a belated report
12 from the Committee on General Provisions dealing with the
13 schedule. Does this answer your question?
14 DELEGATE CHABOT: Yes, sir, and as to Rule 37,
15 would the Chairman explain the reason why a limitation,
16 a motion to make a limitation under that rule must be made
17 before a proposal is taken up?
18 DELEGATE SCANLAN: Well, in order to have some
19 order in the proceeding, these proposals in the Committee
20 of the Whole will be on the general order agenda, I believe
21 it is called, either general or special orders; so there
will be time in advance to know what is coming up.

1 The Chairman of the Committee on the Calendar will be
2 the man most conversant with that schedule, and it is
3 possible, I suppose, that a proposal could suddenly come
4 out that hadn't been anticipated, and no time to plan a
5 debate limitation or a time limitation, but that could be
6 dealt with in the Committee of the Whole. They would
7 have the power to deal with it.
8 THE PRESIDENT: Are there any further questions
9 of the Chairman of the Committee? Delegate Rybczynski?
10 DELEGATE RYBCZYNSKI: Mr. President, I would
11 like to ask a question concerning the amendment to Rule
12 No. 28. It occurs to me that because of the importance
13 of these reports, that this rule is a very good one.
14 However, it occurs to me that minority reports will like-
15 wise be very important for the future.
16 In the event that a delegate finds himself in
17 a minority at the last minute on November 17, for instance,
18 will there be an opportunity at a later date under these
19 rules to submit a minority report for the consideration
20 of the Convention?
21 DELEGATE SCANLAN: I believe that a previous

1 rule, I will turn to Rule 28 as it now stands, I believe
2 provides for the right of a minority, at least if there
3 is -- here it is, Rule 28 now provides that the report
4 of a minority of at least 20 per cent of the members of
5 any committee shall be received, printed in the same man-
6 ner as the majority report and treated as an amendment
7 or substitute.
8 So if there is a minority of 20 per cent, it is
9 a guarantee of a written report, which I had hopefully,
10 although we don't deal with it, hopefully would also
11 contain the reasons for the minority's position. If
12 there was less than 20 per cent, while Rule 28 would not
13 guarantee that their report would be printed, I would
14 think, as an ordinary courtesy, that even if it was a
15 minority of one on a committee, if he was really deter-
16 mined to have his views set forth in a form of report, it
17 would be done, but this is a guarantee that if at least
18 20 per cent want it, you have the same rights to printing,
19 et cetera; so there is nothing in our proposed amendment
20 to 28 which would in any way change that guarantee. As
21 I say, hopefully, even though we don't deal with minority

1 reports, hopefully the minority reports would also contain
2 concise written reasons for their position.
3 THE PRESIDENT: Delegate Rybczynski?
4 DELEGATE RYBCZYNSKI: Continuing the same ques-
5 tion, the thing that got me started thinking about this is
6 the fact that there was also distributed today a memorandum
7 called Duplicating Procedures. As I suggested a little
8 while ago, it m ght be at the very last moment that a man
9 will realize or delegate will realize that he is of the
10 minority, and by the time the thoughts are assembled for
11 the minority group work and by the time all of these other
12 things are complied with, November 17 might very well go
13 by; and it occurred to me that by the addition of maybe
14 a word or two that we could prevent keeping important
15 views from being recorded.
16 THE PRESIDENT: If I may interrupt, I don't
17 believe, Delegate Scanlan, that your previous answer was
18 a direct answer to the question asked. Delegate Rybczynski
19 wants to know whether or not the effect of Rule 28(a)
20 will be to fix November 17 as the final date for the filing
21 of the minority report, not whether it may be filed.

1 DELEGATE SCANLAN: No. This rule does not in
2 any way deal with minority reports. This rule very
3 frankly is a proposal to the Committee to get its report
4 before the Committee of the Whole. It in no way is a
5 deadline for a minority report. I am sorry if I was not
6 responsive to your first question.
7 THE PRESIDENT: Delegate White?
8 DELEGATE WHITE: Mr. Chairman, in order to have
9 some discussion, if there is a desire on the part of the
10 delegates on the proposed amendment No. 5, I object to
11 having it excluded at this point, and if I am in order,
12 I move that the report should be considered item by item.
13 THE PRESIDENT: Just a moment. I think under the
14 rules as they are presently written, while it is not
15 entirely clear, the Committee may not withdraw a portion
16 of its report if there is any objection. Since Delegate
17 While objects, the Chair rules that the amendment to Rule 5
18 is before the Convention.
19 DELEGATE SCANLAN: Mr. Chairman, as I read these
20 rules, a motion, speaking in terms of the motion is not
21 speaking in terms of the Committee report or the Committee

1 report. While the report has been distributed to the
2 Convention, until it is formally offered by the Committee
3 through me as its Chairman, it is really not before this
4 Convention.
5 THE PRESIDENT: Mr. Scanlan, you didn't permit
6 me to finish. I was going to say that the report is before
7 the Convention. The action that the Convention takes
8 with respect to the report depends upon the motions that
9 are made. I will give you the opportunity to amend the
10 motion that you did make. May I address an inquiry to
11 Delegate White?
12 Did I understand you did prefer to have the
13 various recommendations of the Committee considered
14 separately?
15 DELEGATE WHITE: Yes, Mr. Chairman.
16 THE PRESIDENT: I don't know that this is
17 absolutely necessary, but I think in the interest of
18 orderly procedure, if any delegate desires to have the
19 Convention consider each amendment separately, he is
20 entitled to have that privilege; and therefore, we will
21 take up each one separately. I recognize first the

1 Chairman of the Committee to make such motions as he
2 desires with respect to the respective amendments referred
3 to in his Committee's report.
4 DELEGATE SCANLAN: I move that we table the
5 Committee's initial recommendation to amend Rule 5.
6 DELEGATE DELLA: Second the motion.
7 THE PRESIDENT: The motion is not debatable.
8 Are you ready for the question? Voting will be by
9 machine. All those in favor, vote Aye. A vote Aye will
10 table the motion. It will not be subject to further dis-
11 cussion or debate unless and until at some future session
12 it is taken off the table.
13 You will have to allow us a moment to set up the
14 numbers. The question arose as to whether this was a
15 proposal or resolution. It is strictly not either. It
16 is a motion. We have to use the symbolic resolution. A
17 vote Aye is a vote in favor of tabling. Have all the
18 delegates voted? Any delegate desire to change his vote?
19 DELEGATE KOGER: My light did not come up on
20 the board.
21 THE PRESIDENT: I think in all probability the

1 difficulty is the light was not lit. It will be recorded.
2 We will check the record, and if it is not, we will
3 properly record it.
4 Does any delegate desire to change his vote?
5 If not, the Clerk will record the vote.
6 The motion is carried, 125 to 111, and the motion
7 to table is carried. I recognize Delegate Scanlan,
8 Chairman of the Committee.
9 DELEGATE SCANLAN: As I indicated, Mr. Chairman,
10 the amendment to Rule 20 is not necessary. It is correct
11 as it now stands. We would like unanimous permission to
12 withdraw that proposal.
13 THE PRESIDENT: Is there any objection to the
14 withdrawal by the Committee of its recommendation with
15 respect to the amendment of Rule 20? There being no
16 objection, it may be considered as withdrawn.
17 DELEGATE SCANLAN: I now move the adoption of
18 new Rule 20(a) as set forth on Page 2 of the Committee's
19 first report of September 12, 1967. Briefly, it is the
20 rule dealing with the limitation of fifteen minutes. I
21 move the adoption of that.

1 THE PRESIDENT: Is there a second?

2 DELEGATE JAMES: Second.

3 THE PRESIDENT: Is there any discussion? Are
4 you ready for the question? All those in favor of adopt-
5 ing Rule 20(a) as proposed by the Committee, signify by
6 saying Aye; contrary, No. The Ayes seem to have it. The
7 Ayes have it. It is so ordered.

8 DELEGATE SCANLAN: I would like now to move the
9 adoption of an amendment to Rule 20, which will change the
10 first sentence of that rule so as to make it perfectly
11 clear that the alphabetical seating arrangement does not
12 apply to the officers, the delegates who have been elected
13 officers of this Convention.

14 THE PRESIDENT: You said Rule 20; do you mean
15 21?

16 DELEGATE SCANLAN: I misspoke myself; Rule 21.

17 THE PRESIDENT: Is there a second?

18 DELEGATE BEALL: Second.

19 THE PRESIDENT: Any disucssion? Are you ready
20 for the question? All those in favor, signify by saying
21 Aye; contrary, No. The Ayes have it. It is so ordered.

1 Delegate Scanlan?

2 DELEGATE SCANLAN: I would like to move the
3 Committee's proposed amendment to Rule 24, which changes
4 that rule to make it perfectly clear that the committees
5 can sit during sessions of the Committee of the Whole,
6 provided they obtain permission of the Committee of the
7 Whole.

8 THE PRESIDENT: Is there a second?

9 (The motion was duly seconded.)

10 THE PRESIDENT: Any discussion? Are you ready
11 for the question? All those in favor, signify by saying
12 Aye; contrary, No. The motion is carried. The amendment
13 is adopted. Delegate Scanlan?

14 DELEGATE SCANLAN: I move the Committee's pro-
15 posed amendment to Rule 28, briefly the rule requiring
16 all committee reports, majority committee reports, to
17 be accompanied by a concise written explanation of the
18 reasons for the Committee's action.

19 THE PRESIDENT: Is there a second?

20 (The motion was duly seconded.)

21 THE PRESIDENT: Discussion? Delegate Chabot?

1 DELEGATE CHABOT: Mr. President, I believe that
2 we ought not to burden ourselves with unnecessary goals
3 and unnecessary time limits. We are all adults. We
4 recognize our obligations.
5 THE PRESIDENT: Delegate Chabot, I wonder if you
6 are directing yourself to the amendment to Rule 28. That
7 does not deal with time limits.
8 DELEGATE CHABOT: I am sorry. I thought we
9 were at 28(a).
10 THE PRESIDENT: No.
11 DELEGATE SCANLAN: This is the written report.
12 THE PRESIDENT: Any discussion of the amendment
13 to Rule 28? Are you ready for the question? The question
14 arises on the adoption of the Committee's addition to
15 Rule 28. All in favor, signify by saying Aye; contrary,
16 No. The amendment is adopted. Delegate Scanlan?
17 DELEGATE SCANLAN: I now move the Committee's
18 recommendation that a new Rule 28 be added to the rules
19 under which the substantive reports, reports of subs tan-
20 tive committees must reach the Committee of the Whole by
21 November 17, 1967.

1 THE PRESIDENT: Is there a second?

2 (The motion was duly seconded.)

3 THE PRESIDENT: Any discussion? Delegate Chabot?

4 DELEGATE CHABOT: As I said, I do not believe that

5 we need these goals. I believe that Rule 30, which per-

6 mits the Convention to take any matter from any committee

7 at any time that the Convention feels it ought to come

8 before the Convention is sufficient. I feel that the

9 provision of a specific date in Rule 28(a) creates an

10 unnecessary and probably, as the date approaches, quite

11 inconvenient limitation on the consideration that the

12 committees ought to give to the many proposals that are

13 and will be put before them.

14 THE PRESIDENT: Is there any further discussion?

15 Are you ready for the question? The question arises on

16 the adoption of a new Rule 28(a) as printed in the

17 Committee's report. An affirmative vote is a vote in

18 favor of the additional rule. All those in favor, signify

19 by saying Aye; contrary, No. The Ayes seem to have it.

20 The Ayes have it. It is so ordered. Delegate Scanlan?

21 DELEGATE SCANLAN: I now move the adoption of

1 the Committee's proposed amendment to Rule 36 to eliminate
2 an inconsistency between that rule and Rule 54 and to
3 make it clear that the Committee of the Whole can refer
4 its report to the Committee on Style.
5 THE PRESIDENT: Is there a second?
6 (The motion was duly seconded.)
7 THE PRESIDENT: Any discussion? Are you ready
8 for the question? The question arises on the adoption
9 of the Committee's proposed amendment to Rule 36. All
10 in favor, signify by saying Aye; contrary, No. The motion
11 is adopted, and it is so ordered. Delegate Scanlan?
12 DELEGATE SCANLAN: I now move adoption of the
13 Committee's proposed amendment to Rule 37, under which
14 a time limitation could be established on proposals before
15 the Committee of the Whole.
16 THE PRESIDENT: Is there a second?
17 (The motion was duly seconded.)
18 THE PRESIDENT: Is there any discussion? Are
19 you ready for the question? The question arises on the
20 proposed amendment to Rule 37. All in favor, signify by
21 saying Aye; contrary, No. The Ayes have it. It is so

1 ordered. Delegate Scanlan?

2 DELEGATE SCANLAN: I move adoption of the Com-
3 mittee's proposed amendment to Rule 48 under which the
4 moving of the previous question would not take down all
5 pending amendments, but will be limited to merely the
6 question covered at the time.

7 THE PRESIDENT: Is there a second?

8 (The motion was duly seconded.)

9 THE PRESIDENT: Any discussion? All those in
10 favor of the proposed amendment to Rule 48, signify by
11 saying Aye; contrary, No. The Ayes have it. It is so
12 ordered. Delegate Scanlan?

13 DELEGATE SCANLAN: I would like to move, RESOLVED:
14 That the Secretary of the Constitutional Convention be
15 empowered to correct any errors and cross references,
16 enumeration, pagination, grammar, spelling, et cetera.

17 THE PRESIDENT: Is there a second?

18 (The motion was duly seconded.)

19 THE PRESIDENT: The question -- any discussion?
20 The question arises on the motion to authorize the
21 Secretary to correct any errors in spelling, grammar,

1 pagination or cross reference. All in favor, signify by
2 saying Aye; contrary, No. The Ayes have it. It is so
3 ordered.
4 That concludes consideration of the Committee's
5 report with respect to the amendment of the rules.
6 I recognize Delegate Scanlan to report on the
7 second item referred to the Committee, Resolution No. 2.
8 DELEGATE SCANLAN: Mr. President, fellow dele-
9 gates, the Committee, especially myself, apologize for the
10 failure to have a written report regarding Committee
11 action on Resolution No. 2. You will recall it came up
12 rather late in the day yesterday, and we had a quick meet-
13 ing of the Committee, and to make a long story short, the
14 Committee had recommended an unfavorable report on this
15 resolution. Briefly, the Committee was of the unanimous
16 view that the matter dealt with in the resolution is not
17 a fit subject for a rule. The question of when the Con-
18 vention convenes or adjourns is something the Convention
19 itself is master of, through its President, its officers,
20 its Calendar Committee, and this is a flexible thing.
21 There will be times when we will be very busy. There will

1 be times, perhaps, when we will be less so. It is some-
2 thing that should not be incorporated in a rule; and as I
3 indicated, the Committee unanimously recommended that this
4 resolution not be adopted. I move that the resolution
5 not be adopted.
6 THE PRESIDENT: Is there a second?
7 DELEGATE DELLA: Seconded.
8 THE PRESIDENT: Is there any discussion?
9 DELEGATE SCANLAN: Was that Senator Della who
10 seconded the motion?
11 DELEGATE DELLA: Yes. Remind me again at
12 4 o'clock.
13 THE PRESIDENT: Would you mind making your
14 second in the microphone, please, Delegate Della?
15 DELEGATE DELLA: Mr. President, many times we
16 can accomplish the same thing by compromise. I have this
17 day compromised 4 o'clock. I would like to second the
18 motion that the resolution be reported unfavorably.
19 THE PRESIDENT: I thank you and also say that
20 I think that augers well for the work of this Convention.
21 Is there any discussion? If not, the question arises on

1 the motion to adopt the unfavorable report of the
2 Committee with respect to Resolution No. 2. All in favor,
3 signify by saying Aye; contrary, No. The motion is
4 carried, and the unfavorable report is adopted. Thank
5 you, Delegate Scanlan.
6 The next item of business is the introduction and
7 first reading of proposals. I had hoped to be able to
8 say to you today that we had all ironed out all problems
9 of manpower and machinery so that the duplicating room
10 was working at one hundred per cent efficiency and that
11 you would have copies of all proposals on your desks. I
12 can say to you that so far as the machinery personnel
13 is concerned, this is true. Unfortunately, we are beset
14 by another problem in that the paper scheduled to arrive
15 day before yesterday did not arrive, and we have run out
16 of our first shipment of salmon paper. Therefore, all of
17 the proposals which will be read across the desk this
18 afternoon have not yet been reproduced. They will be re-
19 produced before the afternoon is over.
20 Let me also, in connection with the reading of
21 proposals, say to the delegates that it is the duty of

1 the pages to insert the proposals in your books on the
2 floor in the proper order. Therefore, it is not necessary
3 for you to do so at this time. If you will leave them
4 on your desk unhooked, you will find them in proper order
5 when you next return.
6 DELEGATE DELLA: Mr. President?
7 THE PRESIDENT: Delegate Della.
8 DELEGATE DELLA: Mr. President, in reference to
9 the duplicating procedures, this directive, Item 2, the
10 request form must be filled out and signed by committee
11 chairmen. Does that mean where the proposal is going?
12 THE PRESIDENT: The memorandum does not refer to
13 proposals, Delegate Della. This is a memorandum referring
14 to requests of delegates or others for the duplication of
15 papers other than proposals. The duplicating room has
16 been deluged by requests for duplication of a vast amount
17 of material.
18 DELEGATE DELLA: Then I understand that there will
19 be no restrictions as to proposals?
20 THE PRESIDENT: Proposals, the requirement is
21 simply that five copies be introduced. In order to

1 facilitate this, and to make it unnecessary for the
2 secretaries in the various offices to prepare the addition-
3 al copies, we have ordered a small Xerox machine for
4 the Clerk's office, so that although the rule will still
5 require five copies, you need only hand to the Clerk the
6 original. It will be immediately Xeroxed to give him the
7 necessary five copies.
8 The reason, several reasons for this, but one is,
9 we find that the secretaries do not always take care to
10 line up the copies, and the result is that sometimes the
11 third and fourth copies, the material doesn't end on the
12 proper lines. So that it is not only unnecessary that you
13 have more than one copy, we request that you give the
14 Clerk only the original.
15 Delegate Proposal No. 25. The Clerk will read
16 the proposal.
17 MR. BURRELL: Delegate Proposal No. 25, by
18 Delegate Hardwicke, A proposal that the Constitution con-
19 tain the following provision.
20 THE PRESIDENT: Referred to the Committee on
21 General Provisions. Delegate Proposal No. 25. The
Clerk will read the proposal.

1 MR. BURRELL: Delegate Proposal No. 26, by
2 Delegate Bard.
3 A proposal that the preamble of the Constitu-
4 tion shall read as follows:
5 THE PRESIDENT: Delegate Proposal No. 26
6 is referred to the Committee on Personal Rights and
7 Preamble. Delegate Proposal No. 27. The Clerk will
8 read the proposal.
9 MR. BURRELL: Delegate Proposal No. 27?
10 THE PRESIDENT: I am sorry; Delegate
11 Proposal No. 27 is the first instance of a withdrawn
12 proposal, and raises the question I mentioned yesterday.
13 It had already been reproduced. It has not been
14 circulated. This means simply that you will have a
15 vacant number in your series. If you have it, I would
16 greatly appreciate it if you would return it or
17 leave it on your chair or somewhere. It should not
18 have been distributed.
19 Delegate Proposal No. 27. If you will just
20 take it out and tear it in half, it will be the best
21 way to make sure it doesn't get mixed up.

1 No. 27. Delegate Proposal No. 28. The
2 Clerk will read the proposal.
3 MR. BURRELL: Delegate Proposal No. 28,
4 by Delegate Rybczynski, a proposal that Article I,
5 Declaration of Rights, contain the following section on
6 eminent domain.
7 THE PRESIDENT: Delegate Proposal No. 28
8 is referred to the Committee on Personal Rights and the
9 Preamble.
10 Delegate Proposal No. 29. The Clerk will
11 read the proposal.
12 MR. BURRELL: Delegate Proposal No. 29,
13 by Delegate Kirkland and Sosnowski. A proposal that
14 Section 8.04 of Article VIII of the Constitution
15 dealing with Higher Education shall read as follows:
16 THE PRESIDENT: Delegate Proposal No. 29
17 is referred to the Committee on General Provisions.
18 Delegate Proposal No. 30. The Clerk will
19 read the proposal.
20 MR. BURRELL: Delegate Proposal No. 30, by
21 Delegate Fornos: A proposal to make the General Assembly

1 of Maryland responsible for post audit of state revenues
2 and expenditures.
3 THE PRESIDENT: Delegate Proposal No. 30
4 is referred to the Committee on The Executive Branch.
5 I call your attention to the obvious. This,
6 again, is an idea proposal, not language proposal.
7 Delegate Proposal No. 31. The Clerk will
8 read the proposal.
9 MR. BURRELL: Delegate Proposal No. 31, by
10 Delegate Kiefer: A proposal that consideration be
11 given to the inclusion in the new Constitution of
12 Articles 1 through 45 inclusive of the present Declaration
13 of Rights except the second clause of Article 24 which
14 deals with compensation for slaves.
15 THE PRESIDENT: Delegate Proposal No. 31 is
16 referred to the Committee on Personal Rights and the
17 Preamble.
18 Delegate Proposal No. 32. The Clerk will
19 read the proposal.
20 MR. BURRELL: Delegate Proposal No. 32, by
21 Delegates Armor and Abramson. A proposal that the

1 Position, Lieutenant Governor be provided as an
2 Elective Official of the State.
3 THE PRESIDENT: Delegate Proposal No. 32
4 is referred to the Committee on The Executive Branch.
5 Delegate Proposal No. 33. The Clerk will
6 read the proposal.
7 MR. BURRELL: Delegate Proposal No. 33 by
8 Delegate Darby: A Proposal that the section dealing
9 with "Qualifications of Legislators" be included in
10 Article III of the Constitution entitled "Legislative
11 Branch."
12 THE PRESIDENT: Delegate Proposal No. 33 is
13 referred to the Committee on The Legislative Branch.
14 Delegate Proposal No. 34. The Clerk will read the pro-
15 posal.
16 MR. BURRELL: Delegate Proposal No. 34 by
17 Delegate J. Murphy, V. Vecera and C. Harris.
18 A proposal for a system of workmen's
19 compensation and to insure the rights of employees to
20 organize and bargain collectively.
21 THE PRESIDENT: Delegate Proposal No. 34

1 is referred to the Committee on Personal Rights and the
2 Preamble.
3 Delegate Proposal No. 35. The Clerk will
4 read the proposal.
5 MR. BURRELL: Delegate Proposal No. 35,
6 by Delegates Taylor, Hardwicke, and Mitchell:
7 A proposal that the Bill of Rights contain
8 a provision as follows:
9 THE PRESIDENT: Delegate Proposal No. 35 is
10 referred to the Committee on Personal Rights and the
11 Preamble.
12 Delegate Proposal No. 36.
13 MR. BURRELL: Delegate Proposal No. 36, by
14 Delegate Dukes: A proposal that the Declaration of
15 Rights should contain a prohibition against any form of
16 governmental immunity, either state or local, or any
17 creature of the state, supported or partially supported
18 by funds derived from any form of tax revenue.
19 THE PRESIDENT: Delegate Proposal No. 36 is
20 referred to the Committee on Personal Rights and the
21 Preamble.

1 Delegate Proposal No. 37. The Clerk will
2 read the proposal.
3 MR. BURRELL: Delegate Proposal No. 37, by
4 Delegate James: A Proposal that the Governor's term
5 of office shall begin on the second Wednesday in
6 December.
7 THE PRESIDENT: Delegate Proposal No. 37 is
8 referred to the Committee on Executive Branch.
9 Delegate Proposal No. 38. The Clerk will
10 read the proposal.
11 MR. BURRELL: Delegate Proposal No. 38,
12 by Delegates Mitchell, Taylor, Borom, and White: A
13 Proposal that the Declaration of Rights contain a
14 privilege and immunities clause to read as follows:
15 THE PRESIDENT: Delegate Proposal No. 38 is
16 referred to the Committee on Personal Rights and the
17 Preamble.
18 Delegate Proposal No. 39. The Clerk will
19 read the proposal.
20 MR. BURRELL: Delegate Proposal No. 39, by
21 Delegates Weidemeyer, Kosakowski and Rush: A Proposal

1 that the Constitution permit the Legislature to enable
2 a lottery to be established and operated for and by the
3 state with such enabling provision to read as follows:
4 THE PRESIDENT: Delegate Proposal No. 39
5 is referred to the Committee on State Finance and
6 Taxation.
7 Delegate Proposal No. 40. The Clerk will
8 read the proposal.
9 MR. BURRELL: Delegate Proposal No. 40 by
10 Delegate James: A proposal that the incumbent of any
11 elected office shall remain in office until his
12 successor shall have qualified.
13 THE PRESIDENT: Delegate Proposal No. 40 is
14 referred to the Committee on General Provisions.
15 Mr. Clerk, are there any other proposals?
16 MR. WAGONHEIM: No other proposals, Mr.
17 President.
18 THE PRESIDENT: Are there any motions or
19 resolutions?
20 MR. WAGONHEIM: No, sir.
21 THE PRESIDENT: The next item to announce,

1 since I have several announcements to make -- you should
2 have all of the Delegate Proposals read across the desk
3 today except 35, 36, 37, 38, 39, 40.
4 They will be here very shortly. They will
5 be placed in your box, if you leave your box here and
6 the appropriate copies will be placed in your other
7 box in the committee rooms.
8 I wish to inform the Convention that, in
9 accordance with the invitation heretofore extended to
10 the Governor, about which I informed the Convention at
11 its opening session this past Tuesday, arrangements
12 have been made for the Governor to address the Convention
13 at its session on this coming Wednesday, September 20.
14 He will address the session at such time as the
15 Committee on Calendar and Agenda fixes in the calendar,
16 but approximately at 2:15 p.m.
17 It has been suggested that there is some
18 confusion as to whether the committees of the Convention
19 may consider as being before them any matters that are
20 not embodied in proposals formally submitted to the
21 Convention and read across the desk, and technically

1 whether the committees may consider for discussion, and
2 possible inclusion in the Constitution to be drafted
3 by the Convention any provisions of the present
4 Constitution that are not formally embodied in proposal
5 read across the desk.
6 The answer to this question is yes. As was
7 indicated in the opening session, the intent of the
8 rules is that, unlike the Legislature, these committees
9 may create and these committees may themselves create
10 independently of any proposals that have been read
11 across the desk any provisions which they think should
12 be in a Constitution. This ultimately is read across
13 the desk. It in effect becomes a proposal, except
14 that in order to distinguish them, it is called in the
15 rules a committee recommendation is a proposal, but a
16 proposal by a committee rather than a proposal by a
17 delegate. However, in order to avoid any oversights
18 on the part of one committee that provisions of the
19 present Constitution should be considered by another
20 committee, the staff will prepare and circulate by
21 Monday or Tuesday to the committees and committee

1 chairmen a memorandum suggesting for study to the
2 respective committees provisions of the present
3 Constitution. In other words, allocating among the
4 various committees the provisions of the present
5 Constitution. This is by no means binding upon the
6 committees. This does not limit you in any way. It
7 merely is a flag, a warning to you that the other
8 delegates and committees of a convention will assume
9 that a particular committee to whom a section of the
10 present Constitution is assigned will at least consider
11 the possible inclusion or modification or rejection
12 of that section.
13 This should prevent a situation arising
14 where a provision in the present constitution which
15 the Convention may very well want to retain is overlooked
16 because the committees assume it is somebody else's
17 business to take care of it.
18 I am instructed that the tunnel passage
19 requested by those delegates who are required to use
20 the Baltimore Harbor Tunnel in coming and going to the
21 Convention are ready and can be picked up at Mr.

1 Martineau's office at any time.

2 I am very happy to be able to advise the

3 Convention that I had a telephone message from Mrs.

4 Morgan about half hour ago to the effect that Delegate

5 Morgan is feeling much better. He has consulted his

6 own doctor, who has suggested that he rest over the

7 weekend, but sees no reason why he cannot return to his

8 desk on Monday. Delegate Weidemeyer.

9 DELEGATE WEIDEMEYER: Mr. President, I

10 quite agree with your ruling that any committee should

11 be allowed to inquire into subjects not specifically

12 before them by proposal, but I would want to suggest

13 that it might be well that after a committee has inquired

14 into an area that if that committee feels that that

15 subject merits a specific proposal or merits some

16 consideration on a subject which may be embodied in a

17 final report of a committee later on, that in order

18 to apprise each and every one of the delegates and of

19 the public of the subject under discussion and considera-

20 tion, that that committee introduce by way of a proposal

21 a formal bill so that every one of us will know that

1 that committee is considering that subject.

2 THE PRESIDENT: It will be done. The only

3 difference between it and a delegate proposal is the

4 name. The proposal by committee, the Rules Committee

5 decided should be called committee recommendation,

6 rather than committee proposal. Otherwise, it will be

7 in the form and except that it will be on a different

8 color paper, will be exactly in the nature of a

9 delegate proposal. It will receive the same treatment,

10 referenced to the committee, reporting back to the

11 Committee on the Whole to the Convention and through

12 the usual routine.

13 I have been asked by both the staff and

14 the Press to make this announcement and request,

15 particularly of the committee chairmen. The information

16 service, as indicated the other day is endeavoring to

17 have ready in the early afternoon each day a schedule

18 of all committee events, I would say, rather than

19 meetings, for the following day -- witnesses, place,

20 times, et cetera.

21 This will be the function of the administrative

1 assistant to each committee. That is, it will be his
2 function to get the report back to the information
3 service at 12 noon each day. Some of the committees
4 have been doing this. All have not. The newspapers
5 not only have agreed to carry this, but they would like
6 very much in the morning edition of the paper to carry
7 the entire schedule of events before all the committees
8 of the Constitutional Convention. Hopefully the late
9 afternoon papers each day will carry the same schedule
10 for the following day if we can get it out in time.
11 Therefore, I request that the chairman of each
12 committee put this down as a must on his calendar.
13 He can sssign the duty to his administrative assistant.
14 This is one of the functions of the administrative
15 assistant. He can prepare tentatively a schedule and
16 a little before noon have the chairman of the committee
17 approve it to be sure that it is correct, and then
18 see that it is transmitted promptly by page to the
19 information service. From there on, it will be carried
20 so that it can be handled.
21 A suggestion has been handed to me with

1 respect to Delegate Proposal No. 27, but rather than
2 act on it now, because I have some questions about it,
3 I would like to consider the suggestion. It can be
4 acted on later. It is not a question of whether it
5 should be withdrawn but rather having been withdrawn
6 it should nevertheless be preserved.
7 I am a bit puzzled because just a few moments
8 ago I had handed to me what is marked Delegate Proposal,
9 amendment to standing rules of the convention, not on
10 the Delegate Proposal form. I understand that this
11 was distributed to your desks and it is marked
12 introduced by Delegate Robie. I am not sure what
13 was the intention. Delegate Robie.
14 DELEGATE ROBIE: Mr. President, I followed
15 the standing procedure that we had used on previous
16 amendments, suggested amendments to the rules in this
17 and inasmuch as I submitted it to the Clerk, I would
18 like to have it be given its first reading this after-
19 noon, so that if time permits the Rules Committee can
20 consider this rules change, and that our two-day limita-
21 tion can begin starting today.

1 The Clerk tells me that the proposal was
2 in his hand in the hopper before noon, and therefore
3 it should be considered.
4 THE PRESIDENT: With the permission of the
5 delegates, we will redo it on the form to indicate the
6 dates and introduction, et cetera, at a later date;
7 at the moment it will be introduced as Delegate
8 Proposal No. 41.
9 DELEGATE ROBIE: Thank you, Mr. President.
10 THE PRESIDENT: The parliamentarian calls
11 my attention to the fact that it is probably improperly
12 titled as a Delegate Proposal. It is merely offered
13 as an amendment to the rules, and if so, I will withdraw
14 the statement I just made.
15 I will have the Clerk read the proposed
16 amendment. We will later number it and have it
17 appropriately marked in your book.
18 MR. BURRELL: Amendment to Rule 22: On Page
19 8 of the mimeographed standing rules of the Constitutional
20 Convention, add at the end of the list of standing
21 committees the following: No. 12, Committee on Public

1 Information.

2 THE PRESIDENT: The amendment is referred to

3 the Committee on Rules.

4 Delegate Vecera.

5 DELEGATE VECERA: Mr. President, members of

6 the Convention, I think,Mr. President, we ought to

7 acknowledge and I move that we propose to acknowledge

8 the illness of Delegate Webster, who has not been with

9 us for the past few days, and that we send our best

10 wishes for his speedy recovery.

11 THE PRESIDENT: I don't think that motion

12 requires a second. I will put it to a vote. The

13 motion is that the officers of the Convention send

14 to Delegate Webster our regards and our best wishes

15 for his speedy recovery. All in favor, signify by

16 saying Aye; contrary,No. It is so ordered.

17 Are there any announcements by committee

18 chairmen?

19 Delegate Boyer?

20 DELEGATE BOYER: Mr. President, do I under-

21 stand correctly that the Convention will convene at

1 4:00 on Monday?

2 THE PRESIDENT: This hasn't yet been ordered.

3 Delegate Powers indicated that when he moves adjournment,

4 he will move to adjourn until 4 p.m. on Monday.

5 DELEGATE BOYER: With that understanding

6 then and at the risk of being extremely unpopular, I

7 would like to call the hard working General Provisions

8 Committee meeting, the members, together in our committee

9 room at 2 o'clock Monday.

10 THE PRESIDENT: Any other announcements

11 by committee chairmen? Delegate Gallagher?

12 DELEGATE GALLAGHER: Mr. President, the

13 Committee on the Legislative Branch will meet Monday

14 at 2 o'clock.

15 THE PRESIDENT: Any other announcements,

16 Delegate Mudd?

17 DELEGATE MUDD: Mr. President, report of the

18 chairman of the Committee on Judicial Branch must be

19 brief, because we are meeting at 3 o'clock in our room

20 to resume our hearing of this morning so will the

21 delegates please assemble there as soon as we leave here?

1 Also we are scheduled to meet at 10 a.m. on Monday
2 morning, and have a full agenda and calendar for that
3 day, meeting at 10 a.m. Monday.
4 THE PRESIDENT: Are there any other announce -
5 ments by committee chairmen? Delegate Moser?
6 DELEGATE MOSER: Mr. President, on behalf
7 of the Local Government Committee, I would, if I may,
8 take the opportunity to outline the schedule of
9 hearings in a general way for next week. Point 1,
10 there will be no meeting of the committee this afternoon.
11 However, the committee will reconvene at 9:45,
12 At 9:45 the Committee will meet on Monday.
13 At 10 a.m. we are commencing hearings with representa-
14 tives of the Maryland Municipal League and the Maryland
15 County Commissioners Association. Mr. Thompson and
16 Mr. Ratchford will be there at that time. We also
17 expect, I think, at noon, or approximately that time
18 to hear from Vice President James. If he would like
19 to put that forward to a later time during the day,
20 this would be fine, but in any event, he expects to appear
21 before the committee.

1 Next week we are going to devote the hearings
2 to general discussions of state, municipal, county
3 relationships.
4 Our obvious problem in the field of local
5 government, I think, is that we are unable to segment
6 out particular aspects of this general subject that I
7 just mentioned and have specific hearings at this time
8 on these aspects, and I want to make every delegate
9 well aware that when a county commissioner or
10 representative comes in, he will be talking about every-
11 thing from state government to regional government
12 to county government to his relationships with his
13 municipalities, with municipalities in his area.
14 Continuing through that week, and I hope
15 to provide a detailed schedule, we will hear from
16 virtually all, representatives of virtually all of the
17 county government. Commencing on Friday, the 22nd, we
18 hope to have with us representative mayors. We have
19 sent communications to every county government and to
20 every mayor saying that we are willing to hear from
21 them, but we are also contacting specific mayors to

1 come in on Friday, the 22nd.

2 We expect the following Monday to hear from

3 representatives of Baltimore City, and we will provide

4 detailed scheduling of who will be there. I mention

5 this now because delegates may wish to appear the same

6 time as their county representatives.

7 I would respectfully ask that if there are

8 to be any delegate proposals relating to local govern-

9 ment, so far we have received none, that a delegate

10 realizes he is going to require additional research

11 or special hearing -- of course, the ordinary proposal

12 won't. It is something the committee is considering

13 anyway, but if there is something, and I hesitate to

14 use the term unusual, but if there is some unusual

15 proposal coming in, I would appreciate this coming in

16 soon so that we can get started with the necessary

17 research and arrange special hearings if this is

18 necessary. An example might be a proposal for a

19 boundary commission or something like that.

20 Thank you, Mr. President.

21 THE PRESIDENT: Any announcements by other

1 committee chairmen? Delegate Penniman?

2 DELEGATE PENNIMAN: Mr. President, I would

3 like to say to the members of the Committee on Style

4 that there will be a meeting on Wednesday of next week

5 but prior to that meeting I would also like to suggest

6 to each of them that they keep a file of such minutes

7 and such notes as they may make which may be of assistance

8 to the Committee on Style at the time that we are

9 looking to the intent of the committee. I recognize

10 that the change in Rule 28, which requires a concise

11 report, will be of considerable value to us but in

12 addition to that, it may be of value if they maintain

13 the minutes or retain the minutes of their meetings

14 and any notes of their own which they may bring with

15 them to our committee. Thank you.

16 THE PRESIDENT: Mr. Kiefer.

17 DELEGATE KIEFER: I requested yesterday that

18 the delegates get proposals into the Committee on Personal

19 Rights and Preamble. The meeting was a success. I see

20 more than half of the proposals submitted today were

21 submitted to our proposals. We would emphasize the

1 more of these we could get as quickly as possible, it
2 would help us organize our work. In view of the change
3 of hours announced for the meeting of the Convention
4 on Monday, there will be a meeting of the Preamble
5 and Personal Rights Committee at 2 p.m. on Monday.
6 THE PRESIDENT: Delegate Sherbow.
7 DELEGATE SHERBOW: Mr. President, until the
8 machinery for liaison with other committees is completed
9 and established, I would make this announcement for the
10 State Taxation and Finance Committee. On Tuesday there
11 will be a hearing dealing with the subject of state
12 bond issues with the governor's director of his task
13 force, Mr. Lauber, the State Comptroller, and the
14 State Commissioner present as witnesses and on Wednesday
15 representatives of financial institutions will be heard.
16 Those members of other committees whose
17 work will also relate to this aspect of state government
18 I hope will take note of these hearings and if interested,
19 arrange to be present.
20 DELEGATE ADKINS: Mr. President.
21 THE PRESIDENT: Delegate Adkins.

1 DELEGATE ADKINS: The Committee on Executive
2 Department will meet Monday following adjournment of
3 the Convention session.
4 THE PRESIDENT: Delegate Koss.
5 DELEGATE KOSS: Mr. President, the Committee
6 on Suffrage and Elections will meet at 10 a.m. on
7 Monday as previously scheduled.
8 THE PRESIDENT: Any other announcements by
9 the committee chairmen? Delegate Scanlan.
10 DELEGATE SCANLAN: The meeting of the
11 Committee on Rules will be held immediately following
12 adjournment of this session in the basement of the
13 Shaw House to consider the proposal on lobbying,
14 excused absences and a possible amendment with respect
15 to the rule regarding reconsideration.
16 THE PRESIDENT: Delegate Hardwicke.
17 DELEGATE HARDWICKE: Mr. President, a point
18 of inquiry: If we are going to have the meeting of the
19 session at 4 o'clock on Monday afternoon, do you intend
20 to change the time at which proposals can be put into
21 the hopper? That is, will it be 12 noon on Monday also?

1 THE PRESIDENT: That had been the intention.
2 If there is any feeling that there should be a little
3 later hour, we could establish a later hour for the
4 hopper rule, only on Mondays.
5 DELEGATE HARDWICKE: I would like to make
6 the request that the time be 2 p.m. on Monday, if that
7 is convenient for the staff.
8 THE PRESIDENT: All right. Then let me
9 suggest that we amend the hopper rule previously announced
10 and instead of saying it shall be noon each day, it
11 shall be two hours previous to the scheduled hour for
12 the session on that day. That means on Monday,
13 hopper rule, 2 p.m. Any further announcements by
14 committee chairmen?
15 DELEGATE BOYER: Mr. President, the well
16 taken announcements of Delegate Moser have sparked
17 one of the more alert members of the General Provisions
18 Committee to invite this observation for the edification
19 of the Convention. We will be, beginning Monday, starting
20 our witness hearings on education and plunging head-long
21 into the forward program of education. The matter to

1 be taken up on Monday will be constitutional recognition
2 of education, which, of course, would include guarantees,
3 direction of education, the intent that this Convention
4 proposes to include in the Constitution concerning the
5 intent of education and we would extend a hearty invi-
6 tation to any of the delegates present who may want
7 to be heard on this particular issue. Later on the
8 General Provision Committee will consider many other
9 facets of education. For the time being, we will limit
10 our invitation to those who may wish to be heard on
11 the constitutional recognition of education, 2 p.m.
12 on Monday. Thank you, sir.
13 THE PRESIDENT: Any further announcements
14 by committee chairman?
15 If not, I have just a few other things to
16 mention before the adjournment. The announcement by
17 committee chairmen indicates that there is a rather
18 heavy schedule of committee meetings and hearings for
19 next week. We have thus far not received requests from
20 any committees to provide stenographic reporting of
21 committee hearings, and I remind the committee chairmen

that in the absence of such request at least two days before scheduled hearing, we will not be able to provide the reporter to report stenographically. I am not suggesting that you now deluge us with requests, because we want to hold stenographic reporting of committee hearings to a minimum, because of the expense and other problems involved, but if any of you have been assuming that you have hearings of such importance that it is desirable to have them reported stenographically, and you have forgotten to notify us, please communite with the Clerk's office before you leave today.

I also want to remind you of what I said yesterday anout the transcript of these proceedings, and emphasize again that I am sure that you will find these to be documents you want to retain. Thus far you have or should have the first two installments. The third installment is partially complete. It has not been circulated because we do not want to leave them lying around. That installment and perhaps today's will be available for you Monday. Please guard them.

We cannot possibly reproduce them.

Today marks the end of the first week of an experiment, and I think that I could speak for the delegates in taking note of the very excellent service rendered to the convention during this past week by the fourteen young pages who have served as pages on the floor, have served as willing and anxious messengers between the offices and the committee offices and have served as very interested observers at the committee hearings. Under the schedule worked out, half of these young people will not be here next week. They will be here later, but on Monday you will have half of the present group and another new group. Hereafter the changes will occur at two week intervals.

I want to take this opportunity to say for myself and I am quite sure that from the comments I have heard, that I can on the view of all the delegates, that we can give them a very hearty well done and say that we are glad we tried the experiment. (Applause.)

Are there any delegates who were absent from roll call who desire to note their presence?

(No response.)

THE PRESIDENT: If not, the Chair recognizes Delegate Powers.

DELEGATE POWERS: Mr. President, I move we adjourn until Monday, September 18, at 4 p.m.

THE PRESIDENT: All in favor, signify by saying Aye; contrary, No. It is so ordered.

(Adjourned at 3:34 p.m.)

Maryland Room
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College Park, Md.

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College Park, Md

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2
3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
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10
11 Chamber of the House of Delegates
12 State Capitol
13 Annapolis, Maryland
14 September 18, 1967 - 4:00 p.m.
15
16 --------
17 HONORABLE H. VERNON ENEY,
PRESIDENT
18
19 Reported by:
20 C. J. Hunt
21

1 THE PRESIDENT: The Convention will please come
2 to order.
3 The invocation today will be offered by the
4 Reverend Winslow Shaw, First Presbyterian Church, Annapolis.
5 (Whereupon the invocation was offered by Reverend
6 Winslow Shaw.)
7 THE PRESIDENT: The roll call.
8 (Whereupon the roll call was taken.)
9 THE PRESIDENT: Delegate Finch, Delegate Gleason,
10 Delegate Grumbacher, Delegate Connor, Delegate Rush, Delegate
11 Stern, Delegate Webb, Delegate Webster.
12 The Clerk will record the roll call.
13 A quorum being present, the Convention is in
14 Session.
15 The Chair recognizes Delegate Powers, Chairman of
16 the Committee Calendar and Agenda.
17 DELEGATE POWERS: Mr. President, I move the adoption
18 of the report that is on the desk of the Delegates.
19 THE PRESIDENT: Is there a second?
20 (Duly seconded.)
21 THE PRESIDENT: Any discussion? All those in favor

1 signify by saying Aye; contrary, No. So ordered. The
2 Calendar is adopted.
3 Rather than delay the Convention any further, I will
4 ask the Delegates who do not now have a copy of the
5 Calendar and Agenda for today to look on the Calendar of
6 the Delegate adjacent to them and ask if there are any
7 questions as to the Calendar.
8 If not, we will move to the next item; introduction
9 and first reading of proposals.
10 There were 26 proposals put into the hopper today.
11 They have not all been as yet reproduced on the salmon-
12 colored copies. A number of them have. You, therefore,
13 will not have a complete set. Before the session ends,
14 or if not, a little later this afternoon, you will have a
15 complete set.
16 Are there any Delegates who now do not have the
17 Calendar? I see the Sergeant at Arms has some additional
18 copies.
19 Delegate Proposal No. 41. The Clerk will read the
20 proposal.
21 MR. BURRELL: Delegate Proposal No. 41, by Delegate

1 White: A proposal that the following provision on
2 qualifications of elegible voters be included in the Con-
3 stitution, Article II, Suffrage and Elections.
4 THE PRESIDENT: Delegate Proposal No. 41,
5 referred to the Committee on Suffrage and Elections. Delegate
6 Proposal No. 42, the Clerk will read the proposal.
7 MR. BURRELL: Delegate Proposal No. 42, by
8 Delegate White: A proposal to include in the Constitution,
9 Article I, Declaration of Rights, a prohibition against
10 discrimination as follows:
11 THE PRESIDENT: Delegate Proposal No. 42
12 referred to the Committee on Personal Rights and the Preamble.
13 Delegate Proposal No. 43, the Clerk will read
14 the proposal.
15 MR. BURRELL: Delegate Proposal No. 43, by
16 Delegate White: A proposal to include in the Constitution,
17 Article I, Declaration of Rights, a prohibition against
18 discriminiation as follows:
19 THE PRESIDENT: Delegate Proposal No. 43
20 referred to the Committee on Personal Rights and the
21 Preamble.

1 Delegate Proposal No. 44. The Clerk will read
2 the proposal.
3 MR. BURRELL: Delegate Proposal No. 44, by
4 Delegate White: A proposal to include in the Constitution,
5 Article I, Declaration of Rights, a provision prohibiting
6 the licensing of certain services if they discriminate
7 on specified grounds.
8 THE PRESIDENT: Delegate Proposal No. 44
9 referred to the Committee on Personal Rights and the
10 Preamble. Delegate Proposal No. 45. The Clerk will
11 read the proposal.
12 MR. BURRELL: Delegate Proposal No. 45, by
13 Delegate Boileau and Murray; a proposal that a general
14 election shall be held on the Tuesday following the
15 first Monday in the year 1971 and on the same day every
16 four years thereafter. The candidates receiving the
17 highest number of votes shall be elected to the offices
18 for which they were candidates.
19 THE PRESIDENT: This is a proposal that you
20 should have on your desk, a salmon copy. The Delegate
21 proposing this proposal has asked me to announce that

there is a typographical error in his proposal in the second line after the last word, the word Monday. Would you please add the words, "in November." The proposal will be reduplicated and circulated to you in correct form. Delegate Proposal No. 45. I am sorry, that was 45, No. 46. The Clerk will read the proposal.

MR. BURRELL: Delegate Proposal No. 46, by Delegates Vecera and Murphy; a proposal to prescribe the manner of filling a vacancy in the General Assembly.

THE PRESIDENT: Delegate Proposal No. 46 is referred to the Committee on Legislative Branch. Delegate Proposal No. 47; the Clerk will read the proposal.

MR. BURRELL: Delegate Proposal No. 47, by Delegates Vecera and Murphy; a proposal to retain capital punishment.

THE PRESIDENT: Delegate Proposal No. 47 is referred to the Committee on the Legislative Branch.

Delegate Proposal No. 48; the Clerk will read the proposal.

MR. BURRELL: Delegate Proposal No. 48; a proposal as to the number of Senators and Delegates from

1 each Senatorial and House District.

2 THE PRESIDENT: Delegate Proposal No. 48 is

3 referred to the Committee on the Legislative Branch.

4 I should have advised you that Delegate Proposal

5 No. 47 has been duplicated. You should have a copy of it.

6 Delegate Proposal No. 49. The Clerk will

7 read the proposal.

8 MR. BURRELL: Delegate Proposal No. 49, by

9 Delegate Vecera and Murphy; a proposal to prohibit all

10 local units of government from imposing on the residents, a

11 tax on income.

12 THE PRESIDENT: Delegate Proposal No. 49 is

13 referred to the Committee on State Finance and Taxation.

14 This proposal has been duplicated. You should

15 have a copy.

16 Delegate Proposal No. 50. The Clerk will read

17 the proposal.

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1 MR. BURRELL: Delegate Proposal No. 50, by
2 Delegates Vecera and Murphy: A proposal to alter Baltimor
3 for City Councilmatic Districts.
4 THE PRESIDENT: Delegate Proposal No. 50 is
5 referred to the Committee on Local Government. Delegate
6 Proposal 50 has been reproduced. You should have a copy.
7 Delegate Proposal No. 51. The Clerk will
8 read the proposal.
9 MR. BURRELL: Delegate Proposal No. 51, by Dele
10 Chabot, a proposal that Article II of the Constitution
11 dealing with Suffrage and Elections shall read as
12 follows:
13 THE PRESIDENT: Delegate Proposal No. 51
14 is referred to the Committee on Suffrage and
15 Elections.
16 Delegate Proposal No. 52. The Clerk will
17 read the proposal.
18 MR. BURRELL: Delegate Proposal No. 52, by
19 Delegate Koger, a proposal that the Constitution
20 dealing with the Bill of Rights shall read as follows:
21 THE PRESIDENT: Delegate Proposal No. 52

1 is referred to the Committee on Personal Rights and the
2 Preamble.
3 Delegate Proposal No. 52 has been reproduced.
4 You should have a copy.
5 Delegate Proposal No. 53. The Clerk will
6 read the proposal.
7 MR. BURRELL: Delegate Proposal No. 53, by
8 Delegate Koger, a proposal that the Constitution dealing
9 with Declaration of Rights shall read as follows:
10 THE PRESIDENT: Delegate Proposal No. 53
11 is referred to the Committee on Personal Rights and
12 the Preamble.
13 Delegate Proposal No. 53 has been duplicated.
14 You should have a copy.
15 Delegate Proposal No. 54.
16 The Clerk will read Delegate Proposal No. 54.
17 MR. BURRELL: Delegate Proposal No. 54,
18 by Delegate Siewierski, a proposal that the General
19 Assembly shall convene annually for a period of 90 days.
20 THE PRESIDENT: Delegate Proposal No. 54
21 is referred to the Committee on The Legislative Branch.

1 This proposal has been duplicated. You should
2 have a copy.
3 Delegate Proposal No. 55. The Clerk will
4 read the proposal.
5 MR. BURRELL: Delegate Proposal No. 55, by
6 Delegate Siewierski: A proposal that Section 2.08 of
7 Article II of the Constitution dealing with Suffrage
8 and Elections shall read as follows:
9 THE PRESIDENT: Delegate Proposal No. 55
10 referred to the Committee on Suffrage and Elections.
11 Delegate Proposal No. 56. The Clerk will
12 read the proposal.
13 MR. BURRELL: Delegate Proposal No. 56. by
14 Delegate Cardin: A proposal that Article I, Section
15 1.04 of the Constitution shall read as follows:
16 THE PRESIDENT: Delegate Proposal No. 56
17 is referred to the Committee on Personal Rights and the
18 Preamble. This proposal has been reproduced. You
19 should have a copy.
20 Delegate Proposal No. 57. The Clerk will
21 read the proposal.

1 MR. BURRELL: Delegate Proposal No. 57, by
2 Delegate Byrnes: A proposal providing for initiative
3 and referendum.
4 THE PRESIDENT: Delegate Proposal No. 57
5 is referred to the Committee on Suffrage and Elections.
6 Delegate Proposal No. 58. The Clerk will
7 read the proposal.
8 MR. BURRELL: Delegate Proposal No. 58, by
9 Delegate Byrnes: A proposal to establish certain
10 general election dates at two-year intervals and
11 provide for primary elections and local general elections.
12 THE PRESIDENT: Delegate Proposal No. 58
13 is referred to the Committee on Suffrage and Elections.
14 This proposal has been duplicated. You should have a
15 copy.
16 Delegate Proposal No. 59. The Clerk will
17 read the proposal.
18 MR. BURRELL: Delegate Proposal No. 59,
19 by Delegate Byrnes: A proposal that appointive State's
20 Attorney be appointed pursuant to the same procedures
21 and mechanism suggested for judicial appointments

1 in the Commission draft.

2 THE PRESIDENT: This proposal referred to

3 the Committee on the Executive Branch. It has been

4 duplicated. You should have a copy.

5 Delegate Proposal No. 60. The Clerk will

6 read the proposal.

7 MR. BURRELL: Delegate Proposal No. 60, by

8 Delegate Hutchinson: A proposal that Article 1 of the

9 Constitution containing the Declaration of Rights shall

10 include a section which shall read as follows:

11 THE PRESIDENT: Delegate Proposal No. 60

12 referred to the Committee on General Provisions.

13 This proposal has been duplicated. You

14 should have a copy. Delegate Proposal No. 61. The

15 Clerk will read the proposal.

16 MR. BURRELL: Delegate Proposal No. 61, by

17 Delegate Hutchinson: A proposal that Article II of the

18 of the Constitution dealing with Suffrage and Elections

19 shall include a section referring to the referendum,

20 which shall read as follows:

21 THE PRESIDENT: Delegate Proposal No. 61

1 is referred to the Committee on Suffrage and Elections.

2 Delegate Proposal No. 62. The Clerk will

3 read the proposal.

4 MR. BURRELL: Delegate Proposal No. 62, by

5 Delegate Dabrowski, a proposal that Article II, Section

6 2.06 of the Constitution containing the day on which

7 general elections shall be held.

8 THE PRESIDENT: Delegate Proposal No. 62

9 is referred to the Committee on Suffrage and Elections.

10 Delegate Proposal No. 63.

11 MR. BURRELL: Delegate Proposal No. 63,

12 by Delegate Marion: A proposal that should a bicameral

13 Legislature be adopted, Section 3.04 of the Constitution

14 shall read as follows:

15 THE PRESIDENT: Delegate Proposal No. 61 is

16 referred to the Committee on The Legislative Branch.

17 This proposal has been duplicated. You should have a

18 copy.

19 Delegate Proposal No. 64. The Clerk will

20 read the proposal.

21 MR. BURRELL: Delegate Proposal No. 64 by

1 Delegate Marion: A proposal that should the bicameral
2 Legislature be adopted, Section 3.04 of the Constitution
3 shall read as follows:
4 THE PRESIDENT: Delegate Proposal No. 64
5 is referred to the Committee on The Legislative Branch.
6 Delegate Proposal No. 65. The Clerk will
7 read the proposal.
8 MR. BURRELL: Delegate Proposal No. 65,
9 by Delegate Marion: A proposal that Section 3.07
10 of the Constitution shall provide for the filling of
11 vacancies in the General Assembly by special election
12 rather than by appointment.
13 THE PRESIDENT: Delegate Proposal No. 65 is
14 referred to the Committee on The Legislative Branch. It
15 has been duplicated. You should have a copy.
16 Delegate Proposal No. 66. The Clerk will
17 read the proposal.
18 MR. BURRELL: Delegate Proposal No. 66,
19 by Delegate Sosnowski and Kirkland: A proposal that
20 Article VIII, Section 8.03 on public education shall
21 read as follows:

1 THE PRESIDENT: Delegate Proposal No. 66
2 is referred to the Committee on General Provisions.
3 It has been duplicated. You should have a copy. Delegate
4 Proposal No. 67. The Clerk will read the proposal.
5 MR. BURRELL: Delegate Proposal No. 67,
6 by Delegate Wagandt: A proposal that the number of
7 members of each House of the General Assembly shall be
8 prescribed by law, but the number of delegates shall
9 not be less than 80 or more than 110. The number of
10 Senators shall not exceed one-third of the number of
11 delegates.
12 THE PRESIDENT: Delegate Proposal No. 67
13 is referred to the Committee on The Legislative Branch.
14 The proposals introduced today encompass 41 to 67, inclusive.
15 You should have all except 41, 42, 43, and 44, 46, 48, 51,
16 55, 57, 61, 62, 64 and 67.
17 DELEGATE DABROWSKI: Mr. President, I would
18 like to make reference to Delegate Proposal 62. We have
19 not a copy of it. Is there any chance that we could get
20 a copy?
21 THE PRESIDENT: May I interrupt? If I

1 mispronounce any of your names, I would greatly
2 appreciate it if you would correct me.
3 DELEGATE DABROWSKI: Dabrowski. I would
4 like to make a motion, Mr. President, that copy of this
5 Proposal No. 62 be sent to Senators Tidings and Brewster
6 and members of the Congress for their scrutiny and
7 possible submittal as a Federal amendment to the
8 Constitution, Proposal No. 62.
9 THE PRESIDENT: I am not sure I completely
10 understood what you said. You said for their perusal
11 and consideration as a possible amendment to the
12 Constitution of the United States?
13 DELEGATE DABROWSKI: Yes, just that a copy
14 of this proposal as presented be submitted to them and
15 for them to scrutinize it and possibly present the same
16 amendment as a Federal amendment to the Constitution.
17 THE PRESIDENT: Is there a second to the
18 motion?
19 MR. SHERBOW: I rise on a point of parliamentary
20 inquiry. Is it not true that all matters before this
21 Convention are public, and is it not true that the

1 chairman of each committee may and should write to
2 all interested parties, and if we are to take such bills
3 and members feel should have the special scrutiny of
4 the Federal Government, are we not thereby abdicating
5 in some degree that which rightfully belongs to us?
6 Maybe this is not a parliamentary inquiry. What I am
7 trying to say is this is not properly before us.
8 THE PRESIDENT: The Chair had somewhat the
9 same feeling. That is why I asked Delegate Dabrowski
10 to amplify further the motion which he made. At the
11 moment I asked whether there was a second to the motion.
12 I heard none.
13 DELEGATE DABROWSKI: Since they don't have
14 a copy of the bill, certainly they couldn't second it.
15 THE PRESIDENT: May I suggest to you then,
16 Delegate Dabrowski, that you discuss the matter with
17 Delegate Powers, Chairman of the Committee on Calendar
18 and Agenda as to whether you should be allowed a spot
19 on tomorrow's calendar for that purpose?
20 DELEGATE DABROWSKI: Certainly.
21 THE PRESIDENT: Thank you.

1 Mr. Clerk, are there any motions or resolutions?

2 MR. WAGONHEIM: There are none, Mr. President.

3 THE PRESIDENT: If not, the next order of

4 business, Delegate White.

5 DELEGATE WHITE: Mr. President, I will ask

6 you to permit me to speak one or two minutes before I

7 offer a motion.

8 THE PRESIDENT: I don't think we can do

9 that, Delegate White. I think we have to know the

10 matter to which you are addressing your remarks.

11 DELEGATE WHITE: The motion is to take

12 Proposal No. 5, related to the rules. I propose to

13 offer a motion to have it taken from the table.

14 THE PRESIDENT: I believe the motion is not

15 debatable. Is there a second? The motion by Delegate

16 White is to take off the table the recommendation of the

17 Committee on Rules, Credentials, and Convention Budget

18 with respect to a possible amendment to Rule 5. You

19 may recall that the recommendation was offered several

20 days ago. The chairman of the committee desired to

21 withdraw it. The Chair ruled that the recommendation

1 was before the Convention. There was a motion to table
2 further consideration of it. Delegate White now moves
3 to take that off the table.
4 This motion, the motion to take off the
5 table is not debatable. If seconded, it would be
6 voted upon. So that you may know what the issue
7 is, I will ask the reading clerk to read the portion of
8 the committee report which deals with the possible
9 amendment to Rule 5.
10 MR. CLERK: Amendment to Rule 5. In Rule
11 5, delete the third sentence and insert the words,
12 a vice chairman, after the word chairman in the first
13 sentence.
14 THE PRESIDENT: This is the rule which had
15 to do with the election or selection of vice chairmen
16 of committees. Delegate White?
17 DELEGATE WHITE: Mr. President, I wonder
18 if I am in order if I offer a motion subsequent to the
19 one now before you to seek permission to speak for two
20 minutes, by unanimous agreement.
21 THE PRESIDENT: You may seek that permission

1 now, Delegate White. Is that your desire?

2 DELEGATE WHITE: I ask your permission

3 to speak not to exceed two minutes.

4 THE PRESIDENT: Is there any objection to

5 granting permission to Delegate White to speak for two

6 minutes on the motion to take from the table the recommen-

7 dation of the committee with respect to an amendment

8 to Rule 5? Delegate Scanlan?

9 DELEGATE SCANLAN: As Chairman of the Rules

10 Committee, I hate to object to anybody's right to

11 exercise his privilege of free speech, but I think we

12 would establish a very bad precedent if we are going to

13 permit members to make little speeches for every motion,

14 especially when that motion under the Rules of Parliamentary

15 Procedure of this Convention and under the rules of

16 any parliamentary convention is an undebatable motion.

17 I object.

18 A DELEGATE: I second Delegate White's motion.

19 THE PRESIDENT: Just a second, please.

20 Delegate White, you may move for a suspension of rules,

21 which would permit you to discuss it if you desire to

1 do so.

2 DELEGATE WHITE: Mr. President, I move that

3 we suspend the rule in order that I may speak for two

4 minutes.

5 A DELEGATE: Seconded.

6 THE PRESIDENT: Your motion is that you may

7 speak for two minutes with respect to your motion to

8 take off the table. Is there a second?

9 A DELEGATE: Second.

10 THE PRESIDENT: Any further discussion?

11 The question arises on the motion of Delegate White

12 to suspend the rules so as to permit him to speak for

13 not more than two minutes in offering his motion to

14 take off the table a report of the committee with

15 respect to a possible amendment to Rule 5. Are you

16 ready for the question? All those in favor, signify

17 by saying Aye -- I am sorry, Delegate Boyer.

18 DELEGATE BOYER: Mr. President, I am

19 wondering as a matter of parliamentary inquiry, not to

20 interrupt the roll call, but what would be the position

21 of the committee who may have already elected a vice

1 chairman if this motion prevails.

2 THE PRESIDENT: Your inquiry is pertinent

3 if and when we reach the point of discussuing the

4 possible amendment. I don't think it is pertinent now.

5 Any discussion of the motion to suspend

6 the rules? Are you ready for the question? All those

7 in favor, signify by saying Aye; contrary, No. The

8 Noes seem to have it. The Noes have it.

9 Delegate Bard.

10 DELEGATE BARD: Mr. President, might one

11 ask for a roll call vote?

12 THE PRESIDENT: Yes. Does one?

13 DELEGATE BARD: I do.

14 THE PRESIDENT: Delegate Bard, would you

15 take the microphone, please?

16 DELEGATE BARD: Mr. President, I ask for

17 a roll call vote.

18 THE PRESIDENT: You may have it if you are

19 supported by ten seconders.

20 I think it would be better if you would rise

21 so that we can see if there are ten. There are clearly

1 A roll call vote on the previous question. The question
2 arises on the motion to suspend the rules so as to
3 permit Delegate White to speak for two minutes, or not
4 more than two minutes, in support of his motion to
5 take off the table the report of the Rules Committee
6 with respect to Rule No. 5. Signify your votes. Have
7 all delegates voted? Does any delegate desire to
8 change his vote? If not, the Clerk will record the vote.
9 There being 70 votes in the affirmative
10 and 65 in the negative, the motion is carried. The
11 chair recognizes Delegate White, but before you speak
12 may I ask if there is a second to Delegate White's motion
13 to take off the table the report of the Committee with
14 respect to Rule 5? Is there a second?
15 A DELEGATE: I second.
16 THE PRESIDENT: Delegate Mitchell seconds.
17 Delegate White.
18 DELEGATE WHITE: Mr. President, I am a delegate
19 from the Fourth District. I find it a bit confusing to
20 have the Rules Committee present a rule which theoretically
21 was well thought out before its presentation to this

1 august body, and then to represent a version of this
2 asking for a change, and then to come before us and say
3 that they have found it possibly unwise to present and
4 support the change.
5 In discussing this issue with the delegate a
6 few minutes ago, he stated that a storm had arisen because
7 of this proposal, which is now on the table, and I told
8 him that if the storm had arisen, it somehow escaped me.
9 I have been here every day in this Convention, and, Mr.
10 President, I am opposed to a steam roller in this
11 Convention. I wish to participate in the decision-making
12 in this room, Mr. President, and, of course, on the question
13 of my group, I would like to see one of us as a vice
14 chairman on one of these committees, and at this point,
15 Mr. President, I am not sure as to whether we are in a
16 better position to have a Negro vice chairman of this
17 fine Convention or if he is going to be appointed or
18 elected, and regardless of whether the motion prevails or
19 not, or is taken from the table, I think we should think
20 this thing out and let's start making decisions in caucuses
21 outside of this organization and bring them here where we

1 can debate them. Thank you.

2 THE PRESIDENT: Thank you. The question

3 now arises on the motion to take from the table the

4 report of the Committee on Rules, Credentials, and

5 Convention Budget with respect to a possible amendment to

6 Rule 5. A vote Aye is a vote to take from the table

7 and to reopen the report to discussion. A vote No will

8 not take it from the table. Are you ready for the question?

9 Cast your votes. Have all delegates voted? Does any

10 delegate desire to change his vote? The Clerk will record

11 the vote. There being 118 votes in negative and 16

12 votes in the affirmative, the motion is lost.

13 Are there any other motions or resolutions?

14 Delegate Bamberger?

15 DELEGATE BAMBERGER: Mr. President, there

16 is on the desk of each delegate a commentary on the second

17 report of the Committee on Rules, Credentials, and Convention

18 Budget.

19 THE PRESIDENT: Is this an announcement or

20 a motion?

21 DELEGATE BAMBERGER: This is a resolution which,

1 if it were here, I would place before the Convention.
2 Accompanying that commentary was the second report,
3 which I presume should be introduced at this point on the
4 agenda in order that it be considered two days hence.
5 My point is to assure that when and if we find that
6 report, which accompanies the commentary, that it may
7 be placed before us today.
8 THE PRESIDENT: I am sorry, but the Chair
9 does not have a copy of it. If you will bear with me a
10 moment, I will find out what it is.
11 Delegate Bamberger, do you have a pink copy of
12 the paper to which you refer?
13 DELEGATE BAMBERGER: Not with me.
14 DELEGATE SCANLAN: Mr. President, I believe I
15 have a copy of the resolution.
16 THE PRESIDENT: Delegate Scanlan, would you
17 repeat that, please?
18 DELEGATE SCANLAN: I believe I have a copy
19 of the resolution to which Delegate Bamberger refers.
20 THE PRESIDENT: Would you send it up by page,
21 please? Delegate Bamberger, the Chair would like to ask

1 you a question. Is it urgent that the matter be acted
2 upon two days hence?
3 DELEGATE BAMBERGER: I don't know how urgent
4 it is that we regulate lobbies before the Convention
5 but this is a matter which has been before the Committee
6 for some time.
7 THE PRESIDENT: I think it is highly desirable
8 that it be acted upon promptly but I think it is much more
9 desirable that the delegates have a copy of what is to be
10 considered for the full time provided by the rules.
11 I don't know why this has not been reproduced. It has
12 not been. I would therefore prefer to hold it to see that
13 it is reproduced. It can be introduced tomorrow.
14 Delegate Scanlan?
15 DELEGATE SCANLAN: On that subject, Mr.
16 President, there is a typographical error, in the very
17 last paragraph on Page 4.
18 THE PRESIDENT: Delegate Scanlan, if so, can
19 we correct it with the Clerk and not take up the time
20 now?
21 DELEGATE SCANLAN: All right.

1 THE PRESIDENT: I will see that the corrected
2 copies are distributed to you this afternoon, if this is
3 at all possible. Delegate Bamberger?
4 DELEGATE BAMBERGER: Mr. President, I was told
5 some hours ago that it had been reproduced and it may be
6 only a matter of finding it. One of the pages is now
7 looking for it. If it is found, may it be introduced?
8 THE PRESIDENT: If it is found before we
9 adjourn this afternoon, it can be introduced. If not,
10 I suggest to you that you could move to suspend the rules
11 to have a quicker consideration tomorrow, not considera-
12 tion tomorrow, but make a motion tomorrow.
13 Any other motions and resolutions?
14 I have very few announcements. At the request
15 of the Governor, his address to this Convention has been
16 postponed from day after tomorrow, Wednesday, until
17 Friday, September 29. I may say by way of explanation
18 that the reason for the postponement is because the
19 Governor regards his address to this Convention as of
20 such importance to him and to the State, and he hopes to
21 the Convention, that he desires to have more time to

1 work on it, and his schedule is such that we could not
2 schedule it before Friday, the 29th.
3 We would not have scheduled it for a Friday
4 except for the fact that if we had not done so in this
5 instance, the next available date would have been October
6 12. The officers thought it would be preferable to have
7 the Governor's address on Friday rather than delay it that
8 long.
9 I have been asked by the Chief Page to request
10 the delegates to stop by the bill room, not the mail
11 room, the bill room, right down the hall after this session
12 to pick up mail. All of the mail received this morning
13 was not distributed to your offices and what has not been
14 distributed is in the bill room.
15 Almost all of the delegates have had their pic-
16 ture taken at Room 310 in the State Office Building.
17 However, there are some 20 or 30, I believe, who have not
18 yet had their photographs taken. It takes but a moment.
19 Delay in completing the photographs is delaying the com-
20 pletion of the roster, which we all want very much. I reque
21 you, therefore, please to stop by Room 310, State Office
Building, and have your picture taken. It will take two or

1 three minutes. Any announcements by Committee Chairmen?

2 DELEGATE KOSS: Mr. President, the Committee
3 on Suffrage and Elections will meet tomorrow morning at
4 10 o'clock at Shaw House to hear Mr. Louis Deasla, who
5 is the reporter to the Committee on the Elective Franchise
6 of the Commission.

7 DELEGATE KIEFER: Mr. President, the Committee
8 on Personal Rights and the Preamble will meet immediately
9 after this meeting but I want to announce tomorrow, immed-
10 iately after adjournment of this Convention, we are holding
11 a hearing, on really a discussion on matters that are
12 appropriately to be considered in the Bill of Rights of
13 the Constitution as contrasted to those matters which
14 might properly be left to the Legislature. There will be a
15 few people to be heard tomorrow. One is Professor Louis
16 Asper of University of Maryland Law School and the other is
17 Professor Rosen of the University of Maryland Law School.
18 I understand their views do not coincide. We might expect
19 a lively discussion. The matter came up before our Committee
20 in connection with the possible consideration of abolition
21 of capital punishment and one of the problems originally
raised is whether it's a matter to be left to the

1 Legislature and we felt that in this and other areas of
2 interest, we should be provided with some sort of guide
3 lines and some sort of thinking on this to help us and it
4 occurs to us that there may be other Committees which would
5 have similar interests and might want to send representa-
6 tives to this hearing, or if possible, if enough people
7 were interested, we might have it in a larger hearing room.
8 We do expect to have it stenographically
9 reported, if people are that much interested. The hearing
10 along the general lines, will continue on Wednesday, and
11 if any Committee chairman or Committee members have par-
12 ticular points that they might want to have these gentle-
13 men or others elaborate on, I would be glad to hear from
14 them.
15 THE PRESIDENT: Delegate Mudd.
16 DELEGATE MUDD: Mr. President, The Committee
17 on Judicial Branch will meet tomorrow morning at ten a.m.,
18 in the usual place, the ground floor of this building at
19 ten a.m. I also would like to announce at this time that
20 the Committee on Judicial Branch had the honor of electing
21 Judge William Henderson Vice Chairman of the Committee

1 on Judicial Branch and I look forward to serving with him
2 in that capacity.
3 May I also remind the Delegates that on Friday,
4 September 22, at ten a.m., the Committee on Judicial Branch
5 will be concerned specifically with those sections of
6 the proposed draft Article V, having to do with the
7 selection and tenure of judges, a subject we feel of general
8 interest to all Delegates, and we welcome their attendance.
9 Thank you.
10 THE PRESIDENT: Any further announcements by
11 Committee chairmen?
12 DELEGATE GALLAGHER: Mr. President, the
13 Committee on the Executive Branch will not meet after
14 todays' preliminary session, but will meet tomorrow morning
15 at nine-thirty --
16 THE PRESIDENT: Delegate Gallagher, did you mean
17 to say the Committee on the Executive Branch?
18 DELEGATE GALLAGHER: Legislative. We will take
19 all the jurisdiction we can, Mr. President -- at nine-
20 thirty tomorrow morning, at which time Professor Winslow
21 talk to us and after the session tomorrow, Dr. Jean

1 Spencer will talk to the Committee and on Wednesday, we
2 are inviting all the members of the Constitutional Con-
3 vention who are present members of the General Assembly
4 to appear before the Committee and discuss some of the
5 general matters before the Committee itself.
6 THE PRESIDENT: Delegate Moser?
7 DELEGATE MOSER: Mr. President, the Committee
8 on Local Government will meet tomorrow at nine a.m. We
9 will have present at that time representatives of Anne
10 Arundel County, Mr. Alton, Mr. Whitmore and Mr. Crain.
11 At eleven a.m., representatives of Charles County, St.
12 Mary's County, Somerset County and Talbot County, will be
13 present.
14 THE PRESIDENT: Any other announcments by
15 Committee chairmen? Delegate Morton?
16 DELEGATE MORTON: Mr. President, just to get
17 back to my jurisdiction, I would like to announce that the
18 Committee on the Executive Branch will meet within five
19 or ten minutes after the adjournment of this session
20 this afternoon.
21 THE PRESIDENT: Delegate Sherbow?

1 DELEGATE SHERBOW: Mr. President, I want to
2 announce the Committee on State Finance and Taxation will
3 meet immediately after this session is over. We will meet
4 tomorrow morning at nine-thirty. That is a slight change
5 in plan and the public hearings will begin tomorrow at
6 ten o'clock. I would like to suggest to the rest of the
7 Convention and to the Delegates, that if you see any
8 witnesses wandering around wanting to know where the Shaw
9 House is, just tell them it is across the street where
10 the oldest club used to be. People have trouble finding
11 us.
12 THE PRESIDENT: Thank you. Any other announce-
13 ments by Committee chairmen? Delegate Scanlan?
14 DELEGATE SCANLAN: Mr. President, the Rules
15 Committee will meet tomorrow following the conclusion
16 of the session in the basement of the Shaw House, more
17 accurately described as the house nearest the bar of the
18 Treadway Inn, but we will consider at that time three
19 things; the pending resolution to create a committee on
20 public information; a report from our sub-committee on
21 the manner of filling vacancies and finally, a report from

1 the sub-committee on the questions of absences from
2 attendance at the Convention.
3 THE PRESIDENT: Delegate Boyer?
4 DELEGATE BOYER: Mr. President, the Committee
5 on General Provisions will meet immediately after the
6 session and will hear testimony from our witnesses who
7 are plentiful, until possibly six-thirty. We will adjourn
8 for dinner and come back to work until some indefinite
9 time this evening. I am just tentatively giving the schedule
10 so we can conduct ourselves accordingly. We will again
11 meet tomorrow morning at ten o'clock and continue hearing
12 deliberations receiving contributions from the many witnesses
13 we have on this phase of education "constitutional recog-
14 nition."
15 Thank you, sir.
16 THE PRESIDENT: Any other announcements by
17 Committee chairmen? If not, are there any delegates
18 present who were not present at roll call who desire to
19 record their presence? Delegate Grumbacher?
20 DELEGATE GRUMBACHER: I wish to be recorded as
21 present, though tardy.

1 THE PRESIDENT: Delegate Stern?

2 DELEGATE STERN: I wish to be recorded as

3 present.

4 THE PRESIDENT: Any other Delegates absent at

5 roll call who desire to record their presence?

6 DELEGATE VECERA: Mr. President, I would like to

7 make a motion at this time that we form an entertainment

8 committee for the purpose of having at least one social

9 affair at this great convention.

10 THE PRESIDENT: I hope you would think it is

11 proper for me to rule that that motion is out of order.

12 Is there a second to Delegate Vecera's motion?

13 (Duly seconded.)

14 Is there any discussion? Are you ready for the

15 question? The question arises on the motion that there be

16 formed an entertainment committee to make arrangements

17 for at least one social affair during this convention.

18 All those in favor signify by saying Aye. Contrary, No.

19 The Ayes undoubtedly have it.

20 The Chair recognizes Delegate Powers.

21 DELEGATE POWERS? Mr. President, I move we

1 adjourn until tomorrow, Tuesday, September 18, at
2 two p.m.
3 THE PRESIDENT: Just a moment. My attention
4 has been called to the fact that someone else was trying
5 to get the attention of the Chair.
6 DELEGATE TAYLOR: Mr. President --
7 THE PRESIDENT: Delegate Taylor.
8 DELEGATE TAYLOR: Mr. President, the Personal
9 Rights Committee was concerned about finding the fifty
10 Constitutions of other states, and one of our members
11 asked about forty Constitutions. I wonder if the Conven-
12 tion has available the Constitutions of the other states,
13 or if they are available?
14 THE PRESIDENT: Delegate Taylor, I don't think
15 that the Commission has the complete text of the Constitu-
16 tion of every state. However, it has a number of copies
17 of a publication called the Index to the State Constitu-
18 tions, which have been placed in the library of the
19 Convention. This is an index digest of the provisions of
20 all state Constitutions arranged by subject matter, and I
21 think you will find in it just about the answer to every

1 question you would have as to the provisions of state
2 Constitutions. It is published annually and is therefore
3 current.
4 Delegate Winslow?
5 DELEGATE WINSLOW: Mr. President, copies of
6 the Constitutions of all fifty states, down through and
7 including Michigan in 1964, are available in the library.
8 THE PRESIDENT: Thank you, Delegate
9 Winslow.
10 Does anyone else desire to be recognized? If
11 not, Delegate Powers, will you make your motion again
12 please?
13 DELEGATE POWERS: I repeat the motion that we
14 adjourn until tomorrow, Tuesday, September 19, 1967, two
15 p.m.
16 THE PRESIDENT: All in favor signify by saying
17 Aye; contrary, No. So ordered.
18 (Whereupon the session was adjourned at 4:57
19 p.m., to reconvene the following day.)
20
21

Maryland Room
University of Maryland Library
College Park, Md.

Maryland Room
University of Maryland Library
College Park, Md.

CONSTITUTIONAL CONVENTION

OF THE

STATE OF MARYLAND

Chamber of the House of Delegates

State Capitol

Annapolis, Maryland

September 19, 1967 - 2:00 p.m.

HONORABLE H. VERNON ENEY,
PRESIDENT

Reported by:
C. J. Hunt

1 THE PRESIDENT: The Convention will please
2 come to order.
3 The invocation today will be offered by the
4 Reverend Charles McDermott, St. Mary's Catholic Church,
5 Annapolis. Father McDermott.
6 (At this time the invocation was offered by
7 the Reverend Father Charles McDermott.
8 THE PRESIDENT: Roll call.
9 (Whereupon the roll call was taken.)
10 THE PRESIDENT: Delegate Boyce, Delegate
11 Bushong, Delegate Darby, Delegate Gleason, Delegate
12 Grant, Delegate Hardwicke, Delegate O'Conor, Delegate
13 Rosenstock, Delegate Webster. For what purpose does the
14 Delegate rise?
15 The Clerk will record the roll call.
16 A quorum being present, the Convention is in
17 session.
18 The Chair recognizes Delegate Powers, Chairman
19 of the Committee on Calendar and Agenda.
20 DELEGATE POWERS: Mr. President, it may be
21 desirable to explain the procedure which is hoped will

1 be followed by the Delegates having an item placed on
2 the daily calendar and agenda. Under Rule 38, order of
3 business, there are two categories in which individual
4 delegates rather than committee chairmen are primarily
5 involved.No. 8, introduction of first reading and
6 reference proposals. Of course there is no necessity that
7 each proposal be itemized on the agenda.
8 No. 10, motions and resolutions. It is
9 preferred that motions be in writing and handed to the
10 Chief Clerk. In fact, Rule 41 requires this, if requested
11 by any delegate. If the delegate knows in advance that
12 a motion is to be made, and wants time on the floor for
13 discussion, the best practice would be to take this up
14 with the chairman of the committee on Calendar and Agenda,
15 or if the motion is not of the nature where that would be
16 feasible, he should ask when the motion for adoption
17 of the daily calendar and agenda is made that the agenda
18 be amended to permit this.
19 The reason for this is not to impede any delegate,
20 but so that insofar as possible, all delegates may know
21 in advance what is to be considered at each session.

1 Later on we will undoubedtly reach a point when
2 the allocation of time is extremely important and it will
3 be helpful for us all to know when that time comes and
4 be familiar with the procedure so that it may be followed
5 when it becomes very important.
6 I move the adoption of the report of the
7 Committee on Calendar and Agenda which is on the desks
8 of all of us.
9 THE PRESIDENT: Is there a second? It is
10 moved that the calendar and agenda on the desks of all
11 delegates be adopted as the calendar for today. All those
12 in favor signify by saying Aye; contrary, No. So ordered.
13 The next item on the calendar is introduction
14 and first reading of proposals.
15 I might say before reading the proposals that
16 I understand that all proposals up until those to be
17 introduced today, with the exception of No. 55, introduced
18 yesterday, are either in your books or on your desks.
19 There are four proposals introduced today which have not
20 yet been duplicated and are not on your desk: All others
21 are.

1 Let me further say at this point, that the
2 officers are very reluctant to change the hopper rule
3 which presently stands that the hopper closes two hours
4 before the session commences. This is causing some problems
5 because at the moment at least, there has not been suff-
6 icient time to enable us to reproduce all proposals which
7 come in at the last moment. If we find that we cannot help
8 it, we will advance the hopper time by another hour.
9 I suggest to you, however, that we can avoid doing
10 this if each delegate will make it his business to get his
11 proposals to the Chief Clerk's office as early in the morn-
12 ing as possible.
13 Delegate Proposal No. 68. The Clerk will read
14 the proposal.
15 MR. BURRELL: Delegate Proposal No. 68, by
16 Delegate Willoner. A proposal that Article I of the
17 Constitution containing the Declaration of Rights shall
18 contain the following provision regarding the protection
19 of religious freedom.
20 THE PRESIDENT: Delegate Proposal No.68
21 is referred to the Committee on Personal Rights and Preamble.

1 Delegate Proposal No. 69. The Clerk will read
2 the proposal.
3 MR. BURRELL: Delegate Proposal No. 69, a
4 proposal that the Attorney General be elected.
5 THE PRESIDENT: Delegate Proposal No. 69 will
6 be referred to the Committee on the Executive Branch.
7 Delegate Proposal No. 70; the Clerk will read
8 the proposal.
9 MR. BURRELL: Delegate Proposal No. 70, by
10 Delegates Bennett and Murphy, a proposal that the Bill
11 of Rights shall contain a provision concerning the rights
12 of the accused and shall read as follows:
13 THE PRESIDENT: Delegate Proposal No. 70 is
14 referred to the Committee on Personal Rights and Preamble.
15 Delegate Proposal No. 71. The Clerk will read
16 the proposal.
17 MR. BURRELL: Proposal No. 71 by Delegates
18 Beachley and Pullen, a proposal that the Bill of Rights
19 contain a provision as follows:
20 THE PRESIDENT: Delegate Proposal No. 71 is
21 referred to the Committee on General Provisions.

1 Delegate Proposal No. 72. The Clerk will read
2 the proposal.
3 MR. BURRELL: Delegate Proposal No. 72,
4 by Delegate Dorsey, a proposal that on and after July
5 first, 1972, the State of Maryland and political sub-
6 divisions thereafter, shall not levy nor collect any tax
7 on income from any person or corporation nor shall
8 the said state or political sub-divisions thereof, collect
9 any tax on earnings or pay roll.
10 THE PRESIDENT: Delegate Proposal No. 73, the
11 Clerk will read the proposal.
12 MR. BURRELL: Delegate Proposal No. 37, a
13 proposal providing for residence qualifications for
14 senator and delegate.
15 THE PRESIDENT: Delegate Proposal No. 73 is
16 referred to the Committee on the Legislative Branch.
17 Delegate Proposal No. 74, the Clerk will read the proposal.
18 MR. BURRELL: Delegate Proposal No. 74.
19 A proposal that the article of the
20 constitution establishing the Legislative Branch, shall
21 embody the following.
THE PRESIDENT: Delegate Proposal No. 74 is

1 is referred to the committee on the Legislative Branch.

2 Delegate Proposal No. 75, the Clerk will read

3 the proposal.

4 MR. BURRELL: Delegate Proposal No. 75, which

5 Delegate Gullett proposes to establish the eligible voting

6 age.

7 THE PRESIDENT: Delegate Proposal No. 75 is

8 referred to the Committee on Suffrage and Elections.

9 Delegate Proposal No. 76. The Clerk will

10 read the proposal.

11 MR. BURRELL: Delegate Proposal No. 76, by

12 Delegates Neumann and McDonald, a proposal that the state,

13 its agencies and its political sub-divisions and charitable

14 organizations shall not be immune from suit.

15 THE PRESIDENT: Delegate Proposal No. 76 is

16 referred to the Committee on Personal Rights and the

17 Preamble.

18 Delegate Proposal No. 77.

19 MR. BURRELL: Delegate Proposal No. 77, by

20 Delegate Della, a proposal regarding retroactive taxation.

21 THE PRESIDENT: Delegate Proposal No. 77 is

1 referred to the Committee on State Finance and Taxation.

2 Delegate Proposal No. 78. The Clerk will read

3 the proposal.

4 MR. BURRELL: Delegate Proposal No. 78, by

5 Delegate Pascal, a proposal that no person shall be in

6 conflict of interest with the government.

7 THE PRESIDENT: Delegate Proposal No. 78 is

8 referred to the Committee on Suffrage and Elections.

9 Delegate Proposal No. 79. The Clerk will

10 read the proposal.

11 MR. BURRELL: Delegate Proposal No. 79

12 by Delegate Hardwicke, a proposal that the Bill of Rights

13 protect universal human rights and that among these rights

14 are the right to be free from fear, hunger and want.

15 THE PRESIDENT: Delegate Proposal No. 79 is

16 referred to the Committee on Personal Rights and the

17 Preamble.

18 Delegate Proposal No. 80. The Clerk will read

19 the proposal.

20 MR. BURRELL: Delegate Proposal No. 80, by

21

1 Delegates Henderson, Scanlan and Smith, a proposal regard-
2 ing the Declaration of Rights.
3 THE PRESIDENT: Delegate Proposal No. 80
4 is referred to the Committee on Personal Rights and the
5 Preamble.
6 May I inquire whether every delegate has on
7 his desk a copy of the second report of the Committee on
8 Rules, Credentials and Convention Budget, and a commentary
9 on that report? I understand that the commentary was
10 distributed yesterday and the report today. Does any
11 delegate not have either of those papers? The Chair
12 recognizes Delegate Powers, Chairman of the Committee
13 on Calendar and Agenda.
14 DELEGATE POWERS: Mr. President, I move that
15 the daily calendar and agenda for today be amended so that
16 a report of the Committee on Rules, Credentials and
17 Convention Budget may be received.
18 THE PRESIDENT: Is there a second?
19 (The motion was duly seconded.)
20 THE PRESIDENT: Any discussion? Are you ready
21 for the question? The question arises on the motion to

1 amend the calendar to permit the second report of the
2 Committee on Rules, Credentials and Convention Budget to
3 be received at this time. All in favor signify by saying
4 Aye; contrary, No. The Ayes have it. So ordered.
5 Mr. Clerk, do you have the report? I am informed
6 that after the commentary was circulated yesterday, there
7 was a change made in the last page and a revised last
8 page was placed on your desk. You should, therefore, have
9 an additional unnumbered last page. You can tell it is
10 the last page because it has the typed signature of the
11 committee.
12 The Clerk will read the report.
13 MR. BURRELL: Second report of the Committee
14 on Rules, Credentials and Convention Budget, dealing with
15 lobbyists.
16 THE PRESIDENT: The report is received and
17 referred to the Committee on Calendar and Agenda.
18 Are there any motions and resolutions, Mr.
19 Clerk?
20 MR. WAGONHEIM: There are none, Mr. President.
21 THE PRESIDENT: Any motions or resolutions?

1 If not, we will move to announcements.

2 I have been requested to announce so that the
3 delegates and the committee chairmen may know that the
4 staff meeting of all committee staff advisers and admin-
5 istrative assistants will be held on September 20, that is
6 Wednesday, at two p.m., in the office of the Chief of
7 Staff, Room H-105, tomorrow at two p.m., for all committee
8 staff advisers and committee administrative assistants.

9 Are there any announcements by committee
10 chairmen? Delegate Sherbow?

11 DELEGATE SHERBOW: This being a historic occa-
12 sion, I would like to report a first. The absence of Mr.
13 Perry E. Darby is due to the fact that early this morning
14 his wife gave birth to a little six and a half-pound
15 girl.

16 THE PRESIDENT: Thank you very much.

17 Any further announcements by committee chair-
18 men? Delegate Penniman?

19 DELEGATE PENNIMAN: I would like to announce
20 the meeting of the Committee on Style, tomorrow afternoon,
21 immediately after the pleminary session. It will be in

1 Room S-105, in the Court of Appeals Building.

2 THE PRESIDENT: Any further announcements by

3 committee chairmen? Delegate Moser?

4 DELEGATE MOSER: Mr. President, the Local

5 Government Committee will meet 15 minutes after the close

6 of today's session. No witnesses will be heard. The

7 schedule of this committee for tomorrow is as follows:

8 At 9:00 a.m. we expect to have Mr. David Scull, Mr. Mason

9 Butcher, from Montgomery County; that is at nine, and at

10 eleven, representatives of Prince George's County.

11 Mrs. Spellman is unable to be here at that time, however.

12 We also expect to have witnesses from the Washington

13 Suburban Sanitary Commission and the Maryland National

14 Capital Park and Planning Commission at eleven.

15 Tomorrow evening at 7:00 p.m., representatives

16 of Baltimore County will be heard by this committee.

17 I will try to send a copy of our daily schedule

18 to each committee chairman so that it may be posted

19 in each committee room. I understand that these are not

20 now being distributed but all committee schedules are

21 posted on the board outside the assembly room here.

1 THE PRESIDENT: Delegate Kiefer?

2 DELEGATE KEIFER: At three o'clock this

3 afternoon, the Committee on Personal Rights and Preamble

4 will hold a hearing on the questions, what matters are

5 appropriately includable in the Declaration of Rights and

6 what matters are properly left to the discretion of the

7 Legislature, with a special emphasis on specifically should

8 the issue of abolition of capital punishment be determined

9 by constitutional acts or by an act of the Legislature.

10 As previously announced, the speakers today

11 will be Professors Louis D. Asper, University of Maryland

12 Law School and Professor Sanford J. Rosen. However,

13 it is anticipated there will be enough interest in this

14 that we will use the senate chamber as the hearing room.

15 It will start at three o'clock promptly following conclusion

16 of this meeting.

17 THE PRESIDENT: Any further announcements?

18 Delegate Gallagher?

19 DELEGATE GALLAGHER: Mr. President, the Commi-

20 ttee on the Legislative Branch will meet ten minutes

21 after the conclusion of the session to hear from Dr.

1 Jean Spencer of the Governor's Staff.

2 We have invited and we continue to extend an
3 invitation to the members of the Legislature who are also
4 delegates to the Constitutional Convention to appear
5 before our committee tomorrow morning. Tentatively, we
6 may also have tomorrow morning, the former administrative
7 assistant to the Speaker of the California General
8 Assembly, Senator Margolis, in which event we will move
9 the witnesses around a little bit in the morning.

10 One suggestion was made by the committee today,
11 Mr. President, and I pass it along. It simply is this:
12 That availability of the house chamber be considered for
13 hearings in the event it can be done without interferring
14 with the normal processes.

15 THE PRESIDENT: May I inquire of Delegate Gallagh
16 whether the request for the house chamber is because of
17 the size or because of the unavailability of the other
18 large hearing room?

19 DELEGATE GALLAGHER: No, it is not a question
20 of unavailability but it was thought that perhaps the
21 house chamber would lend itself to some of the larger

1 hearings as they go along.

2 THE PRESIDENT: Actually, as I understand it,

3 the principle hearing room, which is normally the

4 delegation room of the Baltimore City Delegation to the

5 House of Delegates, will accommodate more people than the

6 chamber, and the reason the officers suggested that the

7 house chamber not be used for hearings is because it is not

8 very well adapted to hearings, but also because the members

9 have papers in their desks, and we wanted to avoid

10 interference with those as much as possible.

11 Any further announcements by committee chairmen?

12 Delegate Mudd?

13 DELEGATE MUDD: Mr. President, the Committee

14 on the Judicial Branch meets again today at three p.m.,

15 at which time we have the honor and privilege of hearing

16 from Chief Judge Hammond of the Maryland Court of

17 Appeals. We will also resume hearings tomorrow morning

18 at ten a.m., with the three witnesses scheduled in the

19 morning. Thank you.

20 THE PRESIDENT: Further announcements by

21 committee chairmen? Delegate Boyer?

1 DELEGATE BOYER: Mr. President, it is difficult
2 to top Delegate Sherbow's historic first announcement, but
3 we would like to take the opportunity to inform the House
4 that theGeneral Provisions Committee has a historic first
5 to announce, that we have met and selected an elected as
6 our vice-chairman, Delegate Charles Wheatley.
7 The General Provisions Committee will meet
8 this afternoon, ten minutes after we adjourn here, and hear
9 from Monsignor Neumann, and possibly from some labor
10 representatives as to the constitutional guarantees
11 that should be in the educational part of the constitution.
12 Tomorrow morning we will meet again at ten
13 o'clock and at that time we will hear from representatives
14 of the Maryland State Teachers Association, perhaps the
15 Baltimore Teachers Union and from some private school
16 representatives.
17 As you can see, we are trying to cover all
18 phases of constitutional recognition of education.
19 Thank you.
20 THE PRESIDENT: Any further announcements by
21 committee chairmen? Delegate Morgan?

1 DELEGATE MORGAN: Mr. Chairman, I just wanted
2 to announce that the Committee on the Executive Branch is
3 meeting this afternoon at three o'clock. We have two
4 witnesses this afternoon; the first of which is Mr.
5 John Lauber, and tomorrow morning we are going to meet
6 and choose a vice-chairman.
7 THE PRESIDENT: Delegate Sherbow.
8 DELEGATE SHERBOW: Mr. President, the Committee
9 on State Finance and Taxation announces the election of Mr.
10 Richard W. Case as Vice-Chairman of this Committee. The
11 committee will continue its hearings tomorrow morning
12 in connection with matters relating to the state bond
13 issues.
14 THE PRESIDENT: Any further announcements by
15 committee chairmen? Delegate Scanlan?
16 DELEGATE SCANLAN: Mr. President, the Rules
17 Committee will meet right after this session to consider
18 the adoption of the committee on public information, the
19 question of excused absences and considering a rule to
20 fill vacancies should they occur.
21 THE PRESIDENT: Any fruther announcements by

1 committee chairmen? If not, I have one other announcement
2 that I have been requested to make by the President. As
3 you know, they have been trying to carry each morning and
4 afternoon the calendar of events, hearings before commit-
5 tees, et cetera. This is highly desirable from the point
6 of view of the Convention and of the public. It is working,
7 except for the fact that there have been numerous amend-
8 ments to the calendar in the afternoon. This has caused
9 considerable difficulty and in some instances, the pub-
10 lished calendar is not the final calendar.
11 I would greatly appreciate it if the chairman
12 of each committee would make it the rule and give priority
13 to their approval, final approval of the calendar a few
14 minutes before noon each day so that the administrative
15 assistant can have the calendar finally approved and not
16 subject to any further change that day, in the hands of
17 the public information service.
18 I realize fully that there will be times when
19 it is impossible to carry out the schedule calendar and
20 we will have to make changes but if you will make every
21 effort to finalize your calendar before 12:00, this will

1 keep the changes to a minimum.

2 The Chair recognizes Delegate Powers.

3 DELEGATE POWERS: Mr. President, I move we adjourr

4 THE PRESIDENT: Just a minute, Delegate

5 Powers. Are there any delegates present now who were not

6 present at roll call who desire to record their presence?

7 DELEGATE BOYCE: May I report myself as

8 present?

9 THE PRESIDENT: Delegate Boyce. Any other

10 delegates? Delegate Powers?

11 DELEGATE POWERS: I move we adjourn until

12 tomorrow, September 20, Wednesday, September 20, at two

13 p.m., Mr. President.

14 THE PRESIDENT: All in favor signify by saying

15 Aye. Contrary, No. So ordered.

16 (Whereupon the session was adjourned at 2:28

17 p.m., to reconvene the following day.)

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Maryland Room
University of Maryland Library
College Park, Md.

Maryland Room
University of Maryland Library
College Park, Md

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2
3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
6
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8 ----------
9
10 Chamber of the House of Delegates
11 State Capitol
12 Annapolis, Maryland
13 September 20, 1967 - 2:00 p.m.
14
15 ----------
16
17 HONORABLE H. VERNON ENEY,
18 PRESIDENT
19
20 Reported by:
C. J. Hunt
21

1 THE PRESIDENT: The Sergeant at Arms will clear
2 the aisles and close the doors.
3 The Convention will please come to order.
4 The invocation today will be offered by the
5 Reverend Charles I. Wallace. Reverend Wallace.
6 (Whereupon the invocation was offered by
7 Reverend Charles I. Wallace.)
8 THE PRESIDENT: Roll call.
9 (At this time the roll call was taken.)
10 THE PRESIDENT: Delegate Beall, Delegate Boyles,
11 Delegate Gleason, Delegate O'Conor, Delegate Webster.
12 The Clerk will record the roll call. There
13 being a quorum present, the Convention is in session.
14 I see that one must still read Rybczynski for
15 Grumbacher on the roll call board at the left.
16 We will try to have that corrected tomorrow if
17 we can.
18 The Chair recognizes Delegate Powers, Chairman
19 of the Committee on Calendar and Agenda.
20 DELEGATE POWERS: Mr. President, word has been
21 received that Delegate Quintin T. Eckenrode and

1 Mrs. Eckenrode are today celebrating their 25th wedding
2 anniversary. When the time comes for adjournment this
3 evening, I propose to move that we adjourn in honor of
4 this happy couple, and now I move, Mr. President, that
5 the daily Calendar and Agenda be adopted.
6 THE PRESIDENT: Is there a second?
7 (The motion was duly seconded.)
8 THE PRESIDENT: Any discussion? All those in
9 favor, signify by saying Aye; contrary, No. So ordered.
10 The Calendar is adopted.
11 The next item of business which is part of the
12 regular order of business, but doesn't appear on the
13 agenda, because it does not require any action, except
14 reference, is the report of the Committee on Rules. I
15 understand that the third report of the Committee on
16 Rules and Credentials and Convention Budget is on the
17 desks of the delegates, is that correct, Mr. Clerk?
18 MR. WAGONHEIM: Yes, Mr. President.
19 THE PRESIDENT: Do you have the report?
20 The Clerk will read the report.
21 MR. BURRELL: The third report of the Committee

1 Mrs. Eckenrode are today celebrating their 25th wedding
2 anniversary. When the time comes for adjournment this
3 evening, I propose to move that we adjourn in honor of
4 this happy couple, and now I move, Mr. President, that
5 the daily Calendar and Agenda be adopted.
6 THE PRESIDENT: Is there a second?
7 (The motion was duly seconded.)
8 THE PRESIDENT: Any discussion? All those in
9 favor, signify by saying Aye; contrary, No. So ordered.
10 The Calendar is adopted.
11 The next item of business which is part of the
12 regular order of business, but doesn't appear on the
13 agenda, because it does not require any action, except
14 reference, is the report of the Committee on Rules. I
15 understand that the third report of the Committee on
16 Rules and Credentials and Convention Budget is on the
17 desks of the delegates, is that correct, Mr. Clerk?
18 MR. WAGONHEIM: Yes, Mr. President.
19 THE PRESIDENT: Do you have the report?
20 The Clerk will read the report.
21 MR. BURRELL: The third report of the Committee

1 on Rules, Credentials and Convention Budget, concerning
2 compensation of delegates.
3 DELEGATE SCANLAN: Mr. President, I don't be-
4 lieve the third report of the Rules Committee has been
5 distributed; at least, this section of the room does not
6 have it.
7 THE PRESIDENT: I am sorry. I had understood
8 it was on your desks.
9 Introduction and first reading of proposals: I
10 understand that a memorandum accompanying Delegate Pro-
11 posal No. 80 which was introduced yesterday has been
12 placed on the desks of delegates today. It should be
13 attached to that proposal. Delegate Proposal No. 80,
14 explanatory memorandum.
15 Delegate Proposal No. 81. The Clerk will read
16 the proposal.
17 MR. BURRELL: Delegate Proposal No. 81, by
18 Delegates Scanlan and Bamberger, A proposal that the
19 Judiciary Article to be included in any new Constitution
20 be a short, concise statement --
21 THE PRESIDENT: Read the rest of the title.

1 MR. BURRELL: -- which does not set out a de-
2 tailed organization of the judicial system of the
3 State, nor provide the manner in which judges are to be
4 selected.
5 THE PRESIDENT: Delegate Proposal No. 81 is
6 referred to the Committee on Judicial Branch. There is
7 a memorandum attached to Delegate Proposal No. 81 which
8 should be on your desk. You should also have a copy of
9 that proposal.
10 Delegate Proposal No. 82. The Clerk will read
11 the proposal.
12 MR. BURRELL: Delegate Proposal No. 82 by
13 Delegate Case, A proposal relating to legislative sessions.
14 THE PRESIDENT: Delegate Proposal No. 82 is
15 referred to the Committee on the Legislative Branch.
16 Delegate Proposal No. 83. The Clerk will read
17 the proposal.
18 MR. BURRELL: Delegate Proposal No. 83 by
19 Delegate Case, A proposal relating to the salaries and
20 allowances of members of the General Assembly.
21 THE PRESIDENT: Delegate Proposal No. 83 is

1 referred to the Committee on the Legislative Branch.

2 Delegate Proposal No. 84. The Clerk will read

3 the proposal.

4 MR. BURRELL: Delegate Proposal No. 84, by

5 Delegate Soul, A proposal providing for the election and

6 term of office of the Office of the Comptroller for the

7 State of Maryland.

8 THE PRESIDENT: Delegate Proposal No. 84 is re-

9 ferred to the Committee on the Executive Branch.

10 Delegate Proposal No. 85. The Clerk will read

11 the proposal.

12 MR. BURRELL: Delegate Proposal No. 85, by

13 Delegate Soul, A proposal providing for the election

14 and term of office of the Office of the Attorney General

15 for the State of Maryland.

16 THE PRESIDENT: Delegate Proposal No. 85 is re-

17 ferred to the Committee on the Executive Branch.

18 Delegate Proposal No. 86. The Clerk will read

19 the proposal.

20 MR. BURRELL: Delegate Proposal No. 86, by

21 Delegates Hostetter, Taylor and Price, A proposal that the

1 following be added to Section 1.02 of the Declaration of
2 Rights.
3 THE PRESIDENT: Delegate Proposal No. 86 is
4 referred to the Committee on Personal Rights and Preamble
5 Delegate Proposal No. 87. The Clerk will read
6 the proposal.
7 MR. BURRELL: Delegate Proposal No. 87, by
8 Delegates Cicone and Johnson, A proposal that the pro-
9 visions of Article V of the Constitution dealing with the
10 office of "Attorney General and State's Attorney" be
11 incorporated into the Constitution.
12 THE PRESIDENT: Delegate Proposal No. 87 is re-
13 ferred to the Committee on Executive Branch.
14 Proposal No. 88. The Clerk will read the pro-
15 posal.
16 MR. BURRELL: Delegate Proposal No. 88, by
17 Delegate Scanlan, A proposal regarding The Form of the
18 Article on Local Government.
19 THE PRESIDENT: Delegate Proposal No. 88 is
20 referred to the Committee on Local Government. There is
21 a memorandum accompanying Delegate Proposal No. 88 which

1 you should have.

2 Delegate Proposal No. 89. The Clerk will read

3 the proposal.

4 MR. BURRELL: Delegate Proposal No. 89, by

5 Delegate Boyles, A proposal that Section 8.05 dealing

6 with Militia in Article VIII of the Constitution proposed

7 by the Constitutional Convention Commission entitled

8 "General Provisions" be amended as follows.

9 THE PRESIDENT: Delegate Proposal No. 89 is

10 referred to the Committee on General Provisions.

11 No. 90 for Delegate Proposal is blank. No. 90

12 is blank. Please make a note so that you will not think

13 you have lost it. There is no Delegate Proposal No. 90.

14 Delegate Proposal No. 91. The Clerk will read

15 the proposal.

16 MR. BURRELL: Delegate Proposal No. 91, by

17 Delegates Taylor, Hardwicke and Mitchell, A proposal that

18 consideration be given to inclusion in the Declaration of

19 Rights a provision for "Right to Life and a Decent

20 Standard of Living" as follows.

21 THE PRESIDENT: Delegate Proposal No. 91 is

1 referred to the Committee on Personal Rights and The
2 Preamble.
3 Delegate Proposal No. 92. The Clerk will read
4 the proposal.
5 MR. BURRELL: Delegate Proposal No. 92,
6 by Delegate Kosakowski, Chairman of the Subcommittee
7 on The Preamble, A proposal that The Preamble of the
8 Constitution shall read as follows.
9 THE PRESIDENT: Delegate Proposal No. 92 is
10 referred to the Committee on Personal Rights and Preamble.
11 Delegate Proposal No. 93. The Clerk will read
12 the proposal.
13 MR. BURRELL: Delegate Proposal No. 93, by
14 Delegate Groh, A proposal to include in the Constitution,
15 Article I, Declaration of Rights, a provision regarding
16 the right to bear arms to read as follows.
17 THE PRESIDENT: Delegate Proposal No. 93 is re-
18 ferred to the Committee on Personal Rights and The Pre-
19 amble.
20 Delegate Proposal No. 94. The Clerk will read
21 the proposal.

1 MR. BURRELL: Delegate Proposal No. 94 by
2 Delegate Taylor, A proposal that Article I, Section 1.04
3 of the Constitution shall read as follows.
4 THE PRESIDENT: Delegate Proposal No. 94 is
5 referred to the Committee on Personal Rights and The
6 Preamble.
7 Delegate Proposal No. 95. The Clerk will read
8 the proposal.
9 MR. BURRELL: Delegate Proposal No. 95, by
10 Delegate Byrnes, A proposal providing for Referendum.
11 THE PRESIDENT: Delegate Proposal No. 95 is re-
12 ferred to the Committee on Suffrage and Elections.
13 Delegate Proposal No. 96. The Clerk will read
14 the proposal.
15 MR. BURRELL: Delegate Proposal No. 96, by
16 Delegate Edward T. Miller, A proposal that Section 2.02 of
17 Article II of the Constitution dealing with eligible voters
18 in presidential elections shall read as follows.
19 THE PRESIDENT: Delegate Proposal No. 96 is
20 referred to the Committee on Suffrage and Elections.
21 Delegate Proposal No. 97. The Clerk will read

1 the proposal.

2 MR. BURRELL: Delegate Proposal No. 97, by

3 Delegate Hardwicke, A proposal that the Bill of Rights

4 shall contain a Bill of Social Rights as a separate

5 and distinctive statement of the social rights of indi-

6 viduals.

7 THE PRESIDENT: Delegate Proposal No. 97 is

8 referred to the Committee on Personal Rights and The

9 Preamble.

10 There is a short memorandum attached to Dele-

11 gate Proposal No. 97 you should have on your desk.

12 Delegate Proposal No. 98. The Clerk will read

13 the proposal.

14 MR. BURRELL: Proposal No. 98, by Delegate

15 Hardwicke, A proposal that the rights of the people of

16 the State of Maryland include rights, both justiciable

17 and non-justiciable.

18 THE PRESIDENT: Delegate Proposal No. 98 is re-

19 ferred to the Committee on Personal Rights and The Pre-

20 amble.

21 There is a memorandum accompanying Delegate

1 Proposal No. 98 which you should have. It is being dis-
2 tributed.
3 Delegate Proposal No. 99. The Clerk will read
4 the proposal.
5 MR. BURRELL: Delegate Proposal No. 99, by
6 Delegate Willis, A proposal that Section 6.10 of
7 Article VI of the Constitution dealing with supplementary
8 appropriations bills shall read as follows.
9 THE PRESIDENT: Delegate Proposal No. 99 is re-
10 ferred to the Committee on State Finance and Taxation.
11 Delegate Proposal No. 100. The Clerk will read
12 the proposal.
13 MR. BURRELL: Delegate Proposal No. 100, by
14 Delegates Marion and Hanson, A proposal that Article V of
15 the Constitution dealing with the Judicial Branch provide
16 for the creation of a Commission on Judicial Qualifica-
17 tions composed of six lay persons, six lawyers, and the
18 Chief Justice of the Supreme Court with authority to --
19 THE PRESIDENT: Delegate Proposal No. 100 is
20 referred to the Committee on Judicial Branch.
21 Delegate Proposal No. 101. The Clerk will read

1 the proposal.

2 MR. BURRELL: Delegate Proposal No. 101, by

3 Delegates Marion and Hanson, A proposal that Article V

4 of the Constitution dealing with the Judicial Branch

5 provide for the creation of a Commission on Judicial

6 Qualifications, composed of two lay persons, two lawyers,

7 and five judges, with authority to make recommendations,

8 after hearing, to the Supreme Court, for the removal

9 from office of any judge upon a finding of misconduct or

10 persistent failure to perform the duties of his office,

11 or for the retirement from office of any judge upon a

12 finding of disability or incapacity seriously interfering

13 with the performance of his duties.

14 THE PRESIDENT: Delegate Proposal No. 101 is

15 referred to the Committee on the Judicial Branch.

16 Delegate Proposal No. 102. The Clerk will read

17 the proposal.

18 MR. BURRELL: Delegate Proposal No. 102, by

19 Delegate Anderson, A proposal that the Constitution contain

20 a provision restricting the power of the General Assembly

21 to increase or decrease the compensation of a public

1 figure during his term of office to read as follows.

2 THE PRESIDENT: Delegate Proposal No. 102 is

3 referred to the Committee on State Finance and Taxation.

4 Delegate Proposal No. 103. The Clerk will read

5 the proposal.

6 MR. BURRELL: Delegate Proposal No. 103, by

7 Delegate Weidemeyer, A proposal that the Constitution

8 contain a provision that limits upon the date of enforce-

9 ability of such a provision the percentage of income which

10 may be levied by the State of Maryland, unless there should

11 be a reduction in the percentage of income as levied by

12 the Federal Government; in the event that the Federal

13 income tax is thereby reduced the General Assembly may

14 increase the Maryland Income Tax by a corresponding per-

15 centage.

16 THE PRESIDENT: Delegate Proposal No. 103 is

17 referred to the Committee on State Finance and Taxation.

18 Delegate Proposal No. 104. The Clerk will read

19 the proposal.

20 MR. BURRELL: Delegate Proposal No. 104, by

21 Delegates Schneider and Siewierski, A proposal that the

1 General Assembly shall be reapportioned in the year 1969,
2 and every four years thereafter.
3 THE PRESIDENT: Delegate Proposal No. 104 is
4 referred to the Committee on the Legislative Branch.
5 Delegate Proposal No. 105. The Clerk will
6 read the proposal.
7 MR. BURRELL: Delegate Proposal No. 105, by
8 Delegate Mason, A proposal that Section 5.13 of the
9 Constitution dealing with Eligibility for Appointment as
10 Judge shall read as follows.
11 THE PRESIDENT: Delegate Proposal No. 104 is
12 referred to the Committee on the Judicial Branch.
13 Delegate Proposal No. 106. The Clerk will read
14 the proposal.
15 MR. BURRELL: Delegate Proposal No. 106, by
16 Delegates Byrnes, Cardin, Chabot, Hutchinson, White,
17 Dorothy Murray, Pascal, Schloeder, Soul, Harry Taylor,
18 A proposal that Article I of the Constitution, dealing
19 with the Declaration of Rights, shall include a provision
20 regarding the right to vote, to read as follows.
21 THE PRESIDENT: Delegate Proposal No. 106 is

1 referred to the Committee on Suffrage and Elections.

2 Delegate Proposal No. 107. The Clerk will read

3 the proposal.

4 MR. BURRELL: Delegate Proposal No. 107, by

5 Delegates Grant and Gullett, A proposal that the Con-

6 stitution shall contain a clause on Local Government to

7 read as follows.

8 THE PRESIDENT: Delegate Proposal No. 107 is re-

9 ferred to the Committee on Local Government.

10 The next item of business is motions and reso-

11 lutions. Delegate Cardin?

12 DELEGATE CARDIN: Mr. Chairman, if I may,

13 Proposal No. 106 was drafted by members of the Suffrage

14 and Elections Committee. We would prefer that it be re-

15 ferred to The Preamble and Bill of Rights Committee.

16 THE PRESIDENT: I think the subject matter of the

17 proposal is within the province of the Committee on Suf-

18 frage and Elections, Delegate Cardin. Is there some

19 particular reason why it is desired to be referred to the

20 Committee on Personal Rights?

21 DELEGATE CARDIN: Perhaps because we discussed

1 and we do comprise the Committee on Suffrage and Elections
2 and wanted the Bill of Rights Committee to discuss it.
3 THE PRESIDENT: That can be accomplished in
4 another way. Let me suggest that we not change reference
5 now. I would like to discuss the matter after the session
6 with you and any others.
7 DELEGATE CARDIN: Thank you.
8 THE PRESIDENT: I have Resolution No. 3. It has
9 been reproduced. I do not know whether copies have yet
10 been circulated. Do you have a copy of Resolution No. 3 by
11 Delegate Malkus on your desk? It has been reproduced. It
12 will be circulated before the session is over. The Clerk
13 will read the resolution.
14 MR. BURRELL: Resolution No. 3, by Delegate
15 Malkus, A resolution concerning the budget and financial
16 affairs of the Constitutional Convention of 1967.
17 THE PRESIDENT: The resolution is referred to
18 the Committee on the Rules, Credentials and Convention
19 Budget.
20 Are there any other resolutions? Are there
21 any other motions?

1 I understand that all of the proposals which
2 have been read across the desk today have been reproduced
3 and either have been distributed or will be in a very
4 few minutes. Delegate Scanlan?
5 DELEGATE SCANLAN: Mr. President, I would like
6 to move at this time that the Convention extend its
7 congratulations to Delegate Rybczynski who, no matter how
8 much he is neglected on the board, has a wife who gave
9 birth to their ninth child this morning.
10 THE PRESIDENT: Delegate Rybczynski, I am sure
11 you want to record this remark on the tape; so let's be
12 sure your microphone is working.
13 DELEGATE RYBCZYNSKI: So that I won't forget it,
14 Mr. President, just by way of response and by way of
15 explanation, not only as to the cigars, although it might
16 be nice for me to distribute a cigar to each desk, I did
17 it symbolically by going north, east, south and west. I
18 want you to know I was not a cheapskate about this. I
19 really paid a dollar for each cigar. I get to keep the
20 watch that came with the cigars. Thank you.
21 THE PRESIDENT: Are there any other motions?

1 If you have not already received Delegate
2 Proposal No. 107, if you can stay for just a few minutes
3 after the session, it will be on your desk.
4 I have just a very few announcements. There are
5 eleven delegates who have been too shy to have their pic-
6 tures taken across the street in Room 310 of the State
7 Office Building. I have been requested to announce their
8 names. I will not do that. I think each of you know who
9 it is. I would request that you do so this afternoon
10 if you can and if not, the first thing tomorrow morning.
11 This is holding up the preparation of the roster, which
12 is very much needed.
13 In addition, one and apparently only one dele-
14 gate must submit to the photographer again. Because of
15 some technical defect, his picture didn't turn out.
16 We will notify him, and I will not speculate right now
17 as to his name.
18 I have mentioned before the transcripts which
19 are being circulated to you fairly promptly; that is, the
20 stenographic transcript of these proceedings. A number
21 of you have called my attention, or to that of other

1 members of the Staff, to some errors, either typographical
2 or otherwise in the transcript. It is not necessary
3 that these errors be corrected on the floor. They are
4 largely errors of spelling or misunderstanding of a name,
5 or a matter of that sort. We are, however, very anxious
6 that the final complete transcript which will be printed
7 be as free of all error as possible. I would therefore
8 urgently ask you when you read the transcript, any part
9 of it, if you note an error of any kind, if you will
10 simply either pick up the phone and call one of the
11 secretaries in my office or drop a short memorandum call-
12 ing attention to the error; all you have to do is give us
13 the page and line and very briefly what the error is. We
14 are accumulating these. Do not assume that the error is
15 so obvious that someone else will pick it up, and there-
16 fore you don't have to mention it, because it is quite
17 often these most obvious errors which are missed by
18 almost everyone; so no matter how minor, no matter how
19 inconsequential it may seem, it would be a real service to
20 the Convention if you will take the trouble, either to
21 telephone my secretary or give me a memorandum of it.

1 Are there any announcements by committee chair-
2 men? Delegate Morgan?
3 DELEGATE MORGAN: Mr. President, I am pleased
4 to announce that this morning the Committee on the
5 Executive Branch elected the Honorable Dale Adkins as its
6 Vice-chairman.
7 THE PRESIDENT: Any other announcements by
8 committee chairmen? Delegate Koss?
9 DELEGATE KOSS: Mr. President, I would like to
10 announce at this point that the next meeting of the
11 Full Committee will be Friday morning, the 22nd, at
12 10:30, but at the same time, I would like to announce that
13 we have scheduled what we refer to as public hearings,
14 hearings to which the general public is invited to present
15 their testimony. These hearings have been scheduled as
16 follows:
17 There already has been a press release or news-
18 paper coverage of them. The reason I want to bring
19 these to your attention is, if you have any correspondence
20 on these areas, I would appreciate it either if you would
21 let our committees have the name so we can notify these

1 people or, if you yourselves will take the responsibility
2 for so notifying them. The first meeting is to be held
3 in the Baltimore City Delegation room at the Shaw House,
4 September 26. The subject under consideration at that
5 time will be voting qualifications, except for age. The
6 second hearing is the 28th, Thursday, at 9:30 a.m.,
7 covering referendum, initiative and recall; the third one,
8 October 3 at 7:30 p.m., on voting age; and we have scheduled
9 two sessions on that, because we anticipate a great deal
10 of public interest. The second hearing on the same sub-
11 ject, the next morning, October 4, at 9:30 in the morning.
12 The last hearing, October 10, at 9:30 concerning frequen-
13 cy of elections or other matters that go into deep cubby-
14 holes. At this point, I would like again to urge each of
15 you to make sure that those people who are interested in
16 this are aware of these dates. We are asking if at all
17 possible that individuals who wish to testify notify
18 the Committee. However, testimony of those people who
19 do not register will certainly be heard. Thank you,
20 Mr. Chairman.
21 THE PRESIDENT: Any other announcements?

1 Delegate Kiefer?

2 DELEGATE KIEFER: Mr. President, the Committee

3 on Personal Rights and Preamble will meet immediately

4 after this meeting tomorrow morning. Tomorrow morning

5 at 10:30 we will conduct hearings on the question of

6 unanimous verdicts in criminal cases and also civil cases,

7 and among the people testifying will be Delegate Judge

8 Henderson as well as several representatives of the

9 Maryland State Bar Association. The Judicial Branch of

10 the Committee will have liaison with this. We will

11 continue hearings on Tuesday afternoon, September 26,

12 when Chief Judge Dulany Foster of the Supreme Bench of

13 Baltimore will be here; and this, I hope, will be a joint

14 hearing with the Judicial Branch Committee. In the mean-

15 time, if any of the delegates wish to appear on this

16 question, or wish to have someone that they have in mind

17 to appear, if they will notify the Chairman of the Judicial

18 Branch Committee or our Committee, we will accommodate them

19 THE PRESIDENT: Any other announcements by

20 committee chairmen?

21 DELEGATE KIEFER: One more thing, if you please,

1 sir. This morning at a meeting of the Committee, on a
2 motion by Delegate Weidemeyer, seconded by Delegate Price,
3 and supported by Delegate Mitchell, the Committee adopted
4 a resolution unanimously commending the President of this
5 Convention on the very fine television appearance he
6 made last night on behalf of the Convention and its
7 workers. While I personally did not see this program,
8 those who did were most enthusiastic over the good image
9 that he presented to the public for the work of this
10 Convention and its delegates. (Applause.)
11 THE PRESIDENT: Delegate Gallagher?
12 DELEGATE GALLAGHER: Mr. President, ladies
13 and gentlemen, the Committee on the Legislative Branch
14 will continue its taking of testimony from members and
15 former members of the General Assembly who are also member
16 of the Constitutional Convention, in H-8, fifteen minutes
17 after we adjourn today.
18 Tomorrow morning at 9:30 we will hear Dr. Carl
19 Everstein discuss the legislative process, and at 9:30 on
20 Friday morning, George Wills, the Chairman of the Wills
21 Commission, will appear before the Committee to discuss

1 the Wills Commission report. Thank you.

2 THE PRESIDENT: Any other announcements of the

3 committee chairmen? Delegate Mudd?

4 DELEGATE MUDD: Mr. President, the Committee

5 on the Judicial Branch will resume its meeting immediately

6 following adjournment here, and at 3 o'clock we have

7 the privilege of hearing from Honorable Thomas Hohenlowe,

8 liaison member of our Committee from the Legislative

9 Council. We resume hearings tomorrow morning at 10

10 o'clock.

11 THE PRESIDENT: Delegate Moser?

12 DELEGATE MOSER: Mr. President, I have the

13 pleasure of announcing on behalf of the Local Government

14 Committee the election of Delegate Hal C. B. Clagett as

15 our Vice-chairman.

16 With respect to scheduling this evening at 7 p.m.,

17 we will hear from Mr. Dale Anderson, Mr. Bruce Alderman,

18 and other representatives of Baltimore County. We con-

19 tinue with our hearings on County governmental repre-

20 sentatives on Thursday morning at 9:15, with others com-

21 ing in at 11, and the Counties involves, and they are

numerous. They are grouped, however: Talbot County,

1 Howard County, Kent County, Wicomico County,
2 Queen Anne's, Cecil, Caroline, Dorchester, and then in
3 the evening at 7 p.m., Carroll, Frederick, Washington,
4 Allegany, Garrett, and Harford.
5 The representatives from these areas who will
6 appear are listed on a detailed schedule which is in the
7 Public Information Office or on the bulletin board
8 outside of this assembly room, I believe.
9 THE PRESIDENT: Any other announcements? Dele-
10 gate Sherbow?
11 DELEGATE SHERBOW: Mr. President, the State
12 Finance and Taxation Committee announces there will be
13 a public hearing on October 11, on the subject of lot-
14 tery under Proposal No. 24. It will be held in the
15 basement of the Shaw House in the Baltimore City Delega-
16 tion Room, beginning at 10 a.m. Those who wish to be
17 heard are requested to communicate with the Committee; so
18 that we can schedule the hearing with some degree of
19 efficiency.
20 There will also be a public hearing on October
21 17 on the subject of assessments, as set out in Proposal

1 No. 8, which relates to the classification of property
2 devoted to agricultural for open space use. However,
3 that entire section in that proposal will be up for
4 discussion that day.
5 That meeting likewise will be held in the base-
6 ment of the Shaw House, beginning at 10 a.m., on October
7 17.
8 Our Committee also requests that those who are
9 interested should communicate with the Committee so that
10 the hearing can move with some reasonable dispatch.
11 We understand that there are representatives of
12 Counties, County offices and delegations, who are interested
13 in this aspect of our work, and we would urge the delegates
14 to communicate with all those whom they feel are interested
15 so that they will be aware of this hearing.
16 Thank you.
17 THE PRESIDENT: Any other announcements by com-
18 mittee chairmen? Delegate Scanlan?
19 DELEGATE SCANLAN: Mr. President, the Rules
20 Committee will meet in its meeting room in the basement
21 of the Shaw House at 3 o'clock this afternoon, in attempt,

1 one, to reach a final decision on the question of the
2 creation of the Committee on Public Information; and, two,
3 to consider a report of a subcommittee on a proposed rule
4 with respect to the filling of vacancies in the Convention
5 should they occur. Tomorrow the Committee will meet at
6 noon at the same place, at which time we invite any
7 delegate who has opinions orcomments about the proposed
8 second report of the Committee with respect to the
9 possible regulation of lobbying before the Convention to
10 come and give us the advantage of your comments. We will
11 proceed to the very important business of electing a
12 vice-chairman.
13 THE PRESIDENT: Any further announcements by
14 committee chairman? Delegate Morgan?
15 DELEGATE MORGAN: Mr. President, I would like
16 to state, I made the announcement previously that this
17 afternoon the Committee on the Executive Branch will
18 meet at 3:30. We will hear Delegate Kathleen Robie and
19 Judge Finan.
20 THE PRESIDENT: Any other announcements?
21 DELEGATE HARRY TAYLOR: Mr. President, I rise
to a point of personal privilege.

1 THE PRESIDENT: Would you state the nature of
2 the personal privilege?
3 DELEGATE HARRY TAYLOR: A funny thing happened
4 to me on the way to the Senate, or actually in the Senate
5 Chamber yesterday after the meeting adjourned. I was
6 in there to listen to the session on Personal Rights
7 and The Preamble of the Constitution, and I took with
8 me one of my most valuable possessions. That was the
9 final report of the Constitutional Convention Commission,
10 which I believe before this session is over will probably
11 become a bible of the Convention. I put it on a desk
12 in the Senate, and I moved from that desk to better ob-
13 serve and hear the witnesses; and shortly thereafter, I
14 turned and my bible was gone. The session was on civil
15 rights, and I hope that whoever did take this off the
16 desk will give equal time to property rights, because
17 these volumes are not yet available in great supply. I
18 understand they will be available starting Monday of
19 next week, but I think it is a tool that I need very
20 badly. I would like to have it returned.
21 Secondly, your Honor, Mr. President --

1 THE PRESIDENT: The lawyer in him will show.

2 DELEGATE HARRY TAYLOR: There are two Taylors

3 and two Smiths in the House, and I don't want to claim

4 unfair credit for the many bills that the other Taylor

5 or the proposals that the other Taylor has introduced;

6 and I suggest that those of us who have names like Smith

7 and Taylor, when we do introduce these proposals, so that

8 I won't get any unfair credit, I would like to have the

9 other Taylor designated as Lloyd Taylor, and I will desig-

10 nate muself as Harry.

11 THE PRESIDENT: Delegate Taylor, the Clerk is

12 attempting to do this in every instance. If he isn't, I

13 apologize for it. There are at least a half dozen of

14 these cases. With respect to your valued report, we

15 have been pressing the printer on that. He promised he

16 would have an additional two hundred copies by noon today.

17 Copies have not arrived, although noon did. I sincerely

18 hope we will have at least that many more by Friday, at

19 which time he promised another thousand copies; so you

20 should then have ample. I doubt if we will get a thousand

21 by Friday, but they should be here by Monday.

1 I think that I have one copy in my office, and
2 if you don't mind a copy that has my name on it, you
3 can come by and pick it up.
4 Just a few very brief announcements that I should
5 have made earlier that I did not. I wanted to tell you
6 that the officers and the chairmen of the committees were
7 guests today at lunch of the Legislative Liaison Com-
8 mittee. That Committee invited us to join them to discuss
9 with them their role in assisting the Convention, and
10 indicate the manner in which they hoped to be of some
11 assistance. I will not detail that for you now, but the
12 chairmen of your committees will tell you just how
13 that has been worked out.
14 I believe, although I am not sure, that all
15 committee chairmen have now announced the elections of
16 their vice-chairmen. If I am in error on this, and if any
17 committees have elected vice-chairmen and the announce-
18 ment has not been made on the floor, I would like to call
19 for it now. Delegate Boyer?
20 DELEGATE BOYER: Mr. President, under the heading
21 of Committee Announcements, I would like to report to the

1 house that the Committee on General Provisions is still
2 considering the important problem of education. As we
3 indicated before, we have broken this down into four
4 broad categories, and I am happy to announce that we have
5 tentatively completed the category of Constitutional
6 Recognition. We now move into the phase of Public Educa-
7 tion, when we have blocked out a solid week of hearings.
8 Hopefully, we can conclude this within the next week.
9 Tomorrow, the Committee will meet on what we call Board
10 of Education, and in the morning, we will hear from
11 the President of the State Board of Education, and the
12 President of the State Association of Local Boards of
13 Education. Tomorrow morning, we will hear from presidents
14 of local boards of education.
15 The Committee will meet fifteen minutes after
16 this Convention adjourns today, and again at 10 o'clock
17 tomorrow morning, sharp. Thank you, sir.
18 THE PRESIDENT: Delegate Koss?
19 DELEGATE KOSS: Mr. President, the Committee
20 on Suffrage and Elections has scheduled the election of
21 its vice-president Friday morning.

1 THE PRESIDENT: Thank you. Delegate Gallagher?

2 DELEGATE GALLAGHER: Mr. President, the Com-

3 mittee on the Legislative Branch has scheduled its vice-

4 presidential election on Monday at 2.

5 THE PRESIDENT: Vice-chairman. Is there any

6 similar announcement by committee chairmen? Delegate

7 Powers?

8 DELEGATE POWERS: The Committee on Calendar

9 and Agenda will hold its meeting on Friday, one half hour

10 before the session for the purpose of electing a vice-

11 president, among other things.

12 THE PRESIDENT: Delegate Kiefer?

13 DELEGATE KIEFER: Mr. President, the Committee

14 on Personal Rights and The Preamble will elect a vice-

15 chairman immediately after this meeting.

16 THE PRESIDENT: Are there further such announce-

17 ments by the committee chairmen? If not, I wanted to

18 repeat one statement that was made before the Committee

19 on Rules yesterday, having to do with the matter of public

20 relations.

21 We are endeavoring to work out a program having

1 as many as possible of the delegates speak to various
2 groups in their own localities. We have received a number
3 of requests for somebody to speak on the work of the
4 Constitutional Convention, and wherever possible, we
5 would like to have the delegate or delegates from that
6 area undertake this additional assignment. We realize
7 that in some instances it would be an inconvenience and
8 a burden, but it is a very important part of the work of
9 the Convention, and we hope that when the request is for-
10 warded to you that you will accept. If, for some reason,
11 you cannot, please notify the Information Service promptly
12 so that someone else can be scheduled.
13 Similarly, we are trying to interest the TV
14 stations in operating a service of TV programs at regular
15 intervals to interest the public in the work of the Con-
16 vention, and in this area, too, we would like to have
17 participation by delegates. If we succeed, it will take
18 some time to work out. We will notify you and try to
19 work out some arrangements.
20 Are there any delegates present now who were
21 not present at roll call who desire to indicate their

1 presence?

2 DELEGATE BOYLES: I would like to indicate my

3 presence.

4 THE PRESIDENT: Delegate Boyles indicates his

5 presence. Delegate Beall?

6 DELEGATE BEALL: I would like to report present.

7 DELEGATE MOSNER: Delegate John Mosner would

8 like to report his presence.

9 THE PRESIDENT: Any other delegates desire to

10 report their presence? If not, the Chair will recognize

11 Delegate Powers to make his special motion for adjourn-

12 ment.

13 DELEGATEPOWERS: Mr. President, I move that we

14 adjourn, adjourn in honor of Delegate Quintin T. Ecken-

15 rode and Mrs. Eckenrode who are celebrating their 25th

16 anniversary, until tomorrow, Thursday, September 21, at

17 2 p.m.

18 THE PRESIDENT: All in favor, signify by saying

19 Aye; contrary, No. So ordered.

20 (Meeting adjourned at 2:50.)

21 ----------

Maryland Room
University of Maryland Library
College Park, Md.

Maryland Room
University of Maryland Library,
College Park, Md.

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2
3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
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8 ----------
9
10 Chamber of the House of Delegates
11 State Capitol
12 Annapolis, Maryland
13 September 21, 1967 - 2:00 p.m.
14
15 ----------
16
17 HONORABLE H. VERNON ENEY,
PRESIDENT
18
19
20 Reported by:
C. J. Hunt
21

1 THE PRESIDENT: The Sergeant at Arms will
2 clear the aisles and close the doors.
3 The Convention will please come to order.
4 The invocation will be offered today by the
5 Reverend Nelson Veise, Mount Washington Presbyterian
6 Church, Baltimore City. Reverend Veise?
7 (At this time the invocation was offered by
8 Reverend Veise.)
9 THE PRESIDENT: I understand there is a slight
10 problem with part of the electrical equipment in the
11 State House, which is being corrected, but is perhaps
12 not now in full operation. This may or may not prevent
13 the accurate operation of the roll call. We will try the
14 roll call by the machine. If it doesn't operate, we will
15 do it by voice. Roll call.
16 (Whereupon the roll call was taken.)
17 THE PRESIDENT: Delegate Della.
18 DELEGATE DELLA: Present.
19 THE PRESIDENT: Delegate Gleason; Delegate
20 Mudd; Delegate O'Conor; Delegate F. C. Robey; Delegate
21 H. E. Taylor; Delegate Wagandt; Delegate Webster.

1 The Clerk will record the roll.

2 The Clerk will call the roll manually. Please

3 answer to your names.

4 (Whereupon the roll call was taken manually

5 by the Clerk.)

6 THE PRESIDENT: There being a quorum present, the

7 Convention is now in session.

8 The Chair recognizes Delegate Powers, Chairman

9 of the Committee on Calendar and Agenda.

10 DELEGATE POWERS: Mr. President, the daily Cal-

11 endar and Agenda is on the desk of all delegates. I

12 move its adoption.

13 THE PRESIDENT: Is there a second?

14 (The motion was duly seconded.)

15 THE PRESIDENT: Any discussion? All in favor,

16 signify by saying Aye; contrary, No. The Ayes have it.

17 The Calendar is adopted.

18 The next item on the Calendar is the reports

19 of other standing committees. There is a report of the Com-

20 mittee on Rules. I don't think it has been circulated yet.

21 It will be here in a few moments. We will take that up

1 after introduction and first reading of proposals.

2 Delegate Proposal No. 108. The Clerk will

3 read the proposal.

4 MR. QUILLEN: Delegate Proposal No. 108, by

5 Delegate Fox, A proposal that the prohibition against

6 lotteries contained in Article III, Section 36 of the

7 Maryland Constitution be retained and enlarged so as to

8 not only bar grants by the General Assembly of authority

9 to private corporations or individuals but also to

10 prevent the initiation of a lottery by the State or any

11 of its political subdivisions.

12 THE PRESIDENT: Proposal No. 108 is referred

13 to the Committee on State Finance and Taxation.

14 Delegate Proposal No. 109. The Clerk will

15 read the proposal.

16 MR. QUILLEN: Delegate Proposal No. 109, by

17 Delegate Johnson, A proposal that the provisions of

18 Article III, Section 13 of the present Constitution con-

19 cerning vacancy in office of a Senator or Delegate be in-

20 corporated in the new Constitution.

21 THE PRESIDENT: Delegate Proposal No. 109 is

1 referred to the Committee on the Legislative Branch.

2 Delegate Proposal No. 110. The Clerk will read

3 the proposal.

4 MR. QUILLEN: Delegate Proposal No. 110, by

5 Delegate Chabot, A proposal that Article III of the

6 Constitution dealing with the Legislative Branch shall

7 read as follows.

8 THE PRESIDENT: Delegate Proposal No. 110 is

9 referred to the Committee on the Legislative Branch.

10 There should be on your desk accompanying that

11 proposal a memorandum of three pages. Do you all have it?

12 The chief page tells me that the memorandum is not back

13 from the printers yet. It will be put on your desk later.

14 Delegate Proposal No. 111. The Clerk will

15 read the proposal.

16 MR. QUILLEN: Delegate Proposal No. 111, by

17 Delegates Sollins, Bard, Boyles, Caldwell, Dulaney,

18 Freedlander, Grumbacher, Hargrove, Hopkins, Kiefer, Leit-

19 zel, Lord, Marion, Needle, Neilson, Pullen, Schloeder,

20 Schneider, Siewierski, Singer, Sosnowski, Ulrich and

21 Wagandt, A proposal that Article VII, Local Government,

1 provide that any instrument of government adopted by
2 any county contain mandatory provisions that the county
3 shall be divided by law into districts for the election
4 of members of that branch of the county government
5 exercising legislative power; that one legislative member
6 be elected from each district; that each legislative
7 member be elected by the qualified voters of the district
8 from which he seeks election; that each district consist
9 of compact and adjoining territory; and that all dis-
10 tricts within a county be as nearly equal in population
11 as practicable.
12 THE PRESIDENT: I call to your attention the
13 fact that the names of two of the delegates sponsoring
14 this proposal have inadvertently been misspelled and ask
15 that you correct your copies. Delegate Freedlander,
16 the name needs a "d" after "Free"; Delegate Sosnowski,
17 whose name needs a "w". I am sorry for the error.
18 Delegate Proposal No. 112. The Clerk will read
19 the proposal.
20 MR. QUILLEN: Delegate Proposal No. 112, by
21 Delegate M. I. Anderson, A proposal that the Constitution

1 contain a provision providing that the Legislative,
2 Executive and Judicial powers of Government be separate
3 and distinct from each other and to read as follows.
4 THE PRESIDENT: Delegate Proposal No. 112 is
5 referred to the Committee on General Provisions.
6 Delegate Proposal No. 113. The Clerk will read
7 the proposal.
8 MR. QUILLEN: Delegate Proposal No. 113, by
9 Delegate Werner Fornos, A proposal that after the words
10 "gubernatorial election". is added the following sentence:
11 That no County or parts of a County shall be included
12 in a regional government without the expressed consent
13 of the majority of the voters of the County or Counties
14 to be included.
15 THE PRESIDENT: Delegate Proposal No. 113 is
16 referred to the Committee on Local Government.
17 Delegate Proposal No. 114. The Clerk will read
18 the proposal.
19 MR. QUILLEN: Delegate Porposal No. 114, by
20 Delegate Fornos, A proposal that all appointments to
21 boards or offices whose functions are limited to the

1 confines of a specific county be made in accordance with
2 the wishes of the citizens of that county.
3 THE PRESIDENT: Delegate Proposal No. 114 is
4 referred to the Committee on the Executive Branch.
5 Delegate Proposal No. 115. The Clerk will
6 read the proposal.
7 MR. QUILLEN: Delegate Proposal No. 115, by
8 Delegate Fornos, A proposal that the word district, be
9 struck from the proposal on the Judiciary and the
10 word people's, be substituted in the judicial article,
11 and that the People's Court shall have the original
12 jurisdiction prescribed by law.
13 THE PRESIDENT: Delegate Proposal No. 115 is
14 referred to the Committee on the Judicial Branch.
15 Delegate Proposal No. 116. The Clerk will read
16 the proposal.
17 MR. QUILLEN: Delegate Proposal No. 116, by
18 Delegate Fornos, A proposal to require that the Chief
19 Executive shall also submit to the General Assembly at
20 the time he submits his executive budget a long range
21 plan for financing the operation of State Government for the

1 ensuing five years.

2 THE PRESIDENT: Delegate Proposal No. 116 is

3 referred to the Committee on State Finance and Taxation.

4 Delegate Proposal No. 117.

5 MR. QUILLEN: Delegate Proposal No. 117,

6 by Delegate Bennett, A proposal that the Constitution

7 contain a section on Executive Clemency that would contain

8 the following provision.

9 THE PRESIDENT: Delegate Proposal No. 117 is

10 referred to the Committee on the Executive Branch.

11 Delegate Proposal No. 118.

12 MR. QUILLEN: Delegate Proposal No. 118, by

13 Delegate Fornos, A proposal that Section 4.02 of the draft

14 constitution include a provision making the Lieutenant

15 Governor also the President of the Senate.

16 THE PRESIDENT: Delegate Proposal No. 118 is

17 referred to theCommittee on the Executive Branch.

18 Delegate Proposal No. 119. The Clerk will read

19 the proposal.

20 MR. QUILLEN: Delegate Proposal No. 119, by

21 Delegate Fornos, A proposal to make provisions prohibiting

1 taking of private property for public use without just
2 compensation, to include notice to owner and public hear-
3 ing at the planning stage.
4 THE PRESIDENT: Delegate Proposal No. 119 is
5 referred to the Committee on Personal Rights and The
6 Preamble.
7 Delegate Proposal No. 120. The Clerk will
8 read the proposal.
9 MR. QUILLEN: Delegate Proposal No. 120, by
10 Delegate Fornos, A proposal to provide that public office
11 is a public trust bestowed by the people in reliance upon
12 character and integrity of individuals chosen, with the
13 people having the right to require of those vested with
14 authority, exact observance of duties, strict adherence
15 to standards of ethics, and to make it the duty of the
16 Legislature to adopt legislation to effectuate such rights.
17 THE PRESIDENT: Delegate Proposal No. 120 is
18 referred to the Committee on the Legislative Branch.
19 Delegate Proposal No. 121. The Clerk will read
20 the proposal.
21 MR. QUILLEN: Delegate Proposal No. 121, by

1 Delegate Beatrice Miller, A proposal generally setting
2 forth the policy of the State regarding economic rights.
3 THE PRESIDENT: Delegate Proposal No. 121 is
4 referred to the Committee on Personal Rights and The
5 Preamble.
6 Are there any other proposals, Mr. Clerk?
7 MR. WAGONHEIM: There are no further proposals,
8 Mr. President.
9 THE PRESIDENT: Mr. Clerk, has the third report
10 of the Committee on Rules, Credentials, and Convention
11 Budget been distributed?
12 MR. WAGONHEIM: Yes, it has, Mr. President.
13 THE PRESIDENT: The third report of the Com-
14 mittee on Rules, Credentials and Convention Budget. The
15 Clerk will read the report.
16 MR. QUILLEN: The third report of the Committee
17 on Rules, Credentials and Convention Budget concerning
18 compensation of delegates.
19 THE PRESIDENT: The report is referred to the
20 Committee on Calendar and Agenda.
21 Are there any other reports of standing

1 committees, Mr. Clerk?

2 MR. WAGONHEIM: No, sir.

3 THE PRESIDENT: This report is one which, under
4 the rules, must lay over for two days, two full session
5 days; and I am therefore anxious that every delegate have
6 his copy of the report before this session adjourns today.
7 If any of you do not have a copy at the time of adjourn-
8 ment, will you please let the Clerk know before you leave
9 the floor?

10 DELEGATE BOYER: Mr. President, while the
11 papers are being distributed, a point of personal
12 privilege. I would like to report that belatedly I
13 learned that one of our esteemed delegates yesterday had
14 a birthday, and I think that it would be appropriate,
15 perhaps, if we could extend to my former French teacher,
16 Miss Catherine Beachley, the best congratulatory messages
17 of this house.

18 Congratulations are in order. "Je vous aime,
19 Je vous adore. Que voulez-vous De plus encore?"

20 THE PRESIDENT: I think that is in order.

21 (Applause.)

1 DELEGATE BEACHLEY: I would like to say I
2 thank Delegate Boyer and congratulate him upon his wonder-
3 ful memory and excellent pronunciation, and also I would
4 like to make a semblance of, shall we say, privileged
5 communication between us, since he used a foreign language,
6 and say to him, Je vous remercie, mille fois, Elroy. Je
7 vous aime, aussi.
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1 THE PRESIDENT: Thank you.

2 Are there any other motions or resolutions?

3 I have just a very few announcements.

4 The additional copies of the final report of

5 the Constitutional Convention Commission are on the way

6 at this moment from the binder near Baltimore and should

7 be in Annapolis within the next half hour or hour. This,

8 again, is a limited number, although there would be

9 ample for the delegates. There have been so many requests

10 for the report that I have instructed the librarian not

11 to distribute them generally until all delegates have

12 received such copy or copies as they may desire. It

13 would be very helpful if you would indicate to the

14 librarian, or to the Chief of Staff, whichever is of

15 more meaning to you, if you desire additional copies or

16 how many additional copies you desire.

17 We are assuming that each delegate will

18 want an additional copy. These have been sewn and will

19 be easier for handling than the loose copies which you

20 have. Therefore we will reserve at least one copy for

21 each delegate. We hesitate to put them on your desk in

1 the committee room, and therefore will distribute them
2 here on the floor, put them on your desk just before
3 the session tomorrow. If you desire them before that,
4 you can pick them up at the library later this afternoon.
5 I have been requested to announce that absence
6 of Delegate Frank C. Robey is due to the fact that his
7 grandmother is being buried this afternoon at 2 o'clock.
8 He asked particularly that the announcement be made
9 because he thought there was some possibility that there
10 would be action taken this afternoon on several matters
11 in which he is interested. That is not the case.
12 His request, however, prompts me to state to
13 the Convention that I have not followed a policy of
14 stating to the Convention the reasons for the absence of
15 delegates because the matter of absence is under, or
16 excuse for absence, is under consideration by the
17 Committee on Rules and I thought it would be more
18 appropriate, once we had acted upon the report of that
19 committee and had determined what, if any, action we
20 should take with respect to absences that I at that
21 time would announce, if such be the purpose of the rule,

1 the reason for the absence, not only on that day, but on
2 all previous days. The record is being kept, and it can
3 be noted at that time.
4 If the Convention desires any different
5 procedure, and desires that in each instance reasons
6 for absence be publicly announced by the presiding
7 officer, it can be so indicated in the discussion of
8 the report of the Committee on Rules and whatever
9 practice the Convention desires to follow, will be
10 followed.
11 I also want to call your attention to the fact
12 that Resolution No. 3, introduced yesterday by Delegate
13 Malkus and read across the desk, has been printed and is
14 or should be on your desk. If any delegate does not
15 have a copy of that resolution today, please let us know
16 and the pages will see that you get one.
17 Are there any announcements by committee
18 chairmen? Delegate Weidemeyer?
19 DELEGATE WEIDEMEYER: Mr. President, on my
20 desk today are several memorandum concerning Delegate
21 Proposals. Some of them indicate the author and others

1 do not. I think it might be well that if every outside
2 organization or every delegate who has memorandum put on
3 our desk concerning a proposal that the proposal indicate
4 who is submitting the memorandum.
5 THE PRESIDENT: Delegate Weidemeyer, I didn't
6 understand a word you used. You said some of them
7 indicate, and I lost the word.
8 DELEGATE WEIDEMEYER: Some of them indicate
9 the sponsor of the memorandum material, and others do
10 not. I think it might be well for all of us to know
11 whether the information on a memorandum is submitted by
12 a delegate or whether it is submitted maybe by some outside
13 organization.
14 THE PRESIDENT: I think the suggestion is an
15 excellent one. The memoranda submitted by delegates
16 in conjunction with proposals which they submit are
17 designated as memoranda accompanying delegate proposal
18 number so and so. That will be an indication that the
19 delegate or delegates sponsoring the proposal are the
20 authors of the memoranda. I think, however, to avoid
21 any misunderstanding, we will try to have some definite

1 indication of authorship on any that emanate from the
2 staff.
3 Other papers put on your desks we would have
4 no control over. If there is any question as to origin
5 or authorship of any such paper, I think any delegate
6 would be free to ask on the floor.
7 Are there any reports from committee chairmen?
8 Delegate Kiefer?
9 DELEGATE KIEFER: Mr. President, the Committee
10 on Personal Rights and Preamble will meet immediately
11 after this meeting for a very short meeting. We also
12 wish to announce the election of Delegate Bruce K. Price
13 as Vice Chairman of the Committee.
14 THE PRESIDENT: Any further announcements?
15 Delegate Henderson?
16 DELEGATE HENDERSON: In the absence of the
17 Chairman of the Committee on Judicial Article, I wish
18 to announce that there will be no meeting of the
19 committee this afternoon. It will be tomorrow at 10
20 o'clock. We will begin hearing a discussion by Judge
21 Niles and some others in connection with the proposal in

1 regard to the selection of judges, which may be of interest
2 to other members.
3 THE PRESIDENT: Any further announcements
4 by committee chairmen? Delegate Gallagher?
5 DELEGATE GALLAGHER: Mr. President, ladies
6 and gentlemen, there will be a meeting of the Committee
7 on The Legislative Branch at 2:45 to hear Mr. Robert
8 Stedman of the Committee for Economic Development.
9 Tomorrow morning we will hear from Mr. George Wills of
10 the Wills Commission.
11 THE PRESIDENT: Any further announcements
12 by committee chairmen? Delegate Morgan?
13 DELEGATE MORGAN: Mr. President, the Committee
14 on The Executive Branch will resume its hearings this
15 afternoon at 3 o'clock when we will hear from Professor
16 Dillon, who is Professor of Political Science at the
17 University of Maryland. Tomorrow morning at 10 o'clock
18 we will meet and try to dispose of some of the non-
19 controversial orders in the Executive Article, such as
20 might be of interest to the Governor.
21 THE PRESIDENT: Any further announcements?

1 Delegate Boyer?

2 DELEGATE BOYER: Mr. President, the General
3 Provisions Commission felt they had a very fruitful
4 and productive hearing at the session this morning.
5 We will continue our deliberations this afternoon. We
6 are still in the thorny educational thicket of public
7 education and this afternoon we will hear from Dr. Ramsey
8 Thomas and Mrs. John Norris. Tomorrow morning we will
9 continue our deliberations, beginning at 10 o'clock
10 sharp. At that time we will hear from Mr. Edward
11 Stapleton, former Superintendent of Public Schools,
12 Baltimore County, and a Mr. Wooden, former President
13 of the State Association of Presidents of the Board of
14 Education.

15 THE PRESIDENT: Any further announcements of
16 committee chairmen?

17 DELEGATE MOSER: Mr.President, the Committee
18 on Local Government will have no session this afternoon
19 but will meet this evening at 7 p.m. to hear representa-
20 tives of the following counties, Carroll, Frederick,
21 Washington, Allegany, Garrett, and Harford.

1 The Committee will meet again tomorrow
2 morning at 9:15 a.m. when representatives of the
3 Maryland Municipal League will again be present, with
4 Mayors of Frederick and some of the other cities through-
5 out the State.
6 THE PRESIDENT: Any further announcements by
7 committee chairmen?
8 (There was no response.)
9 THE PRESIDENT: Are there any delegates --
10 Delegate Scanlan?
11 DELEGATE SCANLAN: There will be a short meeting
12 of the Rules Committee tomorrow at 12:15. There will be
13 a meeting of the Rules Committee on Tuesday following
14 the session to consider Resolution No. 3, I believe,
15 which was introduced by Senator Malkus, and distributed
16 to the delegates today.
17 THE PRESIDENT: Are there any delegates present
18 who were not present at the roll call and desire to
19 indicate their presence? Delegate Taylor?
20 DELEGATE TAYLOR: Mr. President, Harry
21 Taylor. I desire to indicate my presence.

1 THE PRESIDENT: Any other delegates desire
2 to indicate their presence?
3 The Chair recognizes Delegate Powers.
4 DELEGATE POWERS: Mr. President, I move we
5 adjourn/until tomorrow, Friday, September 22, at 2 p.m.
6 THE PRESIDENT: All in favor, signify by
7 saying Aye; contrary, No.
8 The Ayes have it.
9 (The Convention adjourned at 2:35 p.m.)
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Maryland Room
University of Maryland Library
College Park, Md.

Maryland Room
University of Maryland Library
College Park Md

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3 CONSTITUTIONAL CONVENTION
4 OF THE
5 STATE OF MARYLAND
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10 Chamber of the House of Delegates
11 State Capitol
12 Annapolis, Maryland
13 September 22, 1967 - 2:00 p.m.
14
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16
17 HONORABLE H. VERNON ENEY,
PRESIDENT
18
19
20 Reported by:
C. J. Hunt
21

1 THE PRESIDENT: The Sergeant at Arms will
2 clear the aisles and close the doors, please.
3 The Convention will please come to order.
4 The invocation today will be offered by
5 Rabbi Morris Rosenblatt of the Kenneseth Israel
6 Congreation in Annapolis.
7 (Whereupon, the invocation was given by Rabbi
8 Rosenblatt.)
9 THE PRESIDENT: Thank you.
10 Roll call.
11 (Whereupon, a roll call was taken.)
12 THE PRESIDENT: Delegate Boyles, Delegate
13 O'Conor, Delegate Webster, Delegate Willis.
14 The Clerk will record the roll call.
15 There being a quorum present, the Convention
16 is in session.
17 The Chair recognizes Delegate Powers, Chairman
18 of the Committee on Calendar and Agenda.
19 DELEGATE POWERS: Mr. President, I move we
20 adopt the daily calendar and agenda for today.
21 THE PRESIDENT: Is there a second?

1 (The motion was duly seconded.)

2 THE PRESIDENT: Any discussion? All those
3 in favor, signify by saying Aye; contrary, No. The
4 Ayes have it. The calendar is adopted.

5 The first item of business is reports of
6 standing committees. There is, I believe, a report,
7 Fourth Report of the Committee on Rules. Mr. Clerk?
8 The Fourth Report of the Committee on Rules, Credentials,
9 and Convention Budget should be on your desk. Anyone
10 who does not have a copy? The Clerk will read the
11 report.

12 MR. QUILLEN: The Fourth Report of the
13 Committee on Rules, Credentials, and Convention Budget.
14 The Committee on Rules, Credentials, and Convention
15 Budget has considered the problem of how to fill vacancies
16 in convention due to the death or resignation of delegates.
17 The Committee recommends that the following rule be
18 adopted.

19 THE PRESIDENT: The report will be received and
20 is referred to the Committee on Calendar and Agenda.

21 Delegate Scanlan.

1 DELEGATE SCANLAN: Mr. President, I believe
2 the Committee on Rules also has a Fifth Report that
3 I had hoped would be distributed to the delegates. It
4 is our report on Delegate Robey's resolution with
5 respect to the creation of a Committee on Public Informa-
6 tion.
7 THE PRESIDENT: Just a second and see if
8 we can find it. Do you have such a report, Mr. Clerk?
9 I am sorry. The report does not seem to
10 have been reproduced and it was not received by the
11 Clerk. It will be submitted on Monday.
12 DELEGATE SCANLAN: On that score, Mr.
13 President, Delegate Robey's resolution regarding the
14 creation of a Committee on Public Information was before
15 the Convention, I believe, last Wednesday, and Delegate
16 Robey impresses me with the urgency of the consideration
17 of his resolution. The committee has recommended a
18 favorable report, with some modifications with respect
19 to Delegate Robey's resolution. Under the rules, I
20 think it would be in order at any time and we would like
21 to consider it Monday, since two session days have passed

1 and the Committee on Rules has considered it. On the
2 other hand, I would not want the delegates to vote upon
3 the issue without the benefit of the committee's report
4 and some time to study it. I wonder if the Chief Clerk's
5 office could make a special effort, even though it is a
6 Friday afternoon, to have that distributed to delegates
7 before we leave today.
8 THE PRESIDENT: The report, I understand, is
9 in the duplicating office. We will make the effort
10 to distribute it to the delegates. It must be
11 remembered, however, that this is very difficult on a
12 Friday afternoon, because many of the delegates leave.
13 We will take the matter up on Monday and decide at that
14 time what to do about it.
15 DELEGATE SCANLAN: Thank you, Mr. President.
16 THE PRESIDENT: The next item on the calendar
17 is consideration of the Second Report of the Committee
18 on Rules, Credentials, and Convention Budget. This is a
19 report which has to do with the adoption of a regulation
20 of lobbyists. The report was received on September 19.
21 You have it on your desk or in your books.

1 This is the Second Report of the Committee
2 on Rules, Credentials, and Convention Budget, and with
3 it you should have a commentary on that Second Report.
4 The Chair recognizes Delegate Scanlan, Chairman of the
5 Committee. I suggest, Delegate Scanlan, that you come
6 to the reading clerk's desk to explain the report.
7 DELEGATE SCANLAN: Mr. President, fellow
8 delegates, I have the honor to present to the Convention
9 the Second Report of the Committee on Rules, Credentials,
10 and Convention Budget, in which we recommend favorably
11 the adoption of a proposed regulation with respect to
12 people who come before the Convention to represent the
13 views of others. I might say that this proposed
14 regulation has been considered in some detail by our
15 committee at our first meeting on September 6, prior to
16 the actual convening of the Convention. A sub-committee
17 was appointed consisting of the Chairman, Clinton
18 Bamberger, Mr. Maxwell Armor, and Mr. Edmond Boileau, and
19 shortly thereafter the sub-committee read a report
20 which was considered further by the full committee on
21 at least three separate occasions. As late as yesterday

1 we gave the opportunity to any delegate who had comments
2 or criticisms or suggestions to appear before the
3 committee to give us those suggestions, and two of the
4 delegates took the opportunity to do so.
5 I might say that by way of background, that
6 other Constitutional Conventions have wrestled with
7 the problem of how to regulate, if you want to use the
8 word loosely but accurately, lobbyists. Different
9 conventions selected different methods. In New York, for
10 example, the New York Legislature, and the Convention
11 is now going on, enacted a statute, which dealt with
12 lobbying before the Convention, but subject to the
13 caveat of the Convention could supersede the Convention
14 by its own rules. As I understand, the New York Convention
15 elected to adopt in effect the New York Statute. The
16 Michigan Convention dealt with it by rule and regulation.
17 Other Conventions had the same problem. In New York,
18 however, the statute prescribed sanctions; not only
19 sanctions of the New York Criminal Law, but vested the
20 contempt power.
21 Now the Enabling Act under which we operate

1 has not given us any sanction power. We don't apparently
2 have the contempt power, and there is no other provision
3 of the statute which would in any way inflict penalties
4 on anybody who ignored the regulations of this Convention
5 with respect to lobbying.
6 In some quarters there is an argument that
7 this Convention in effect being a repository of the
8 sovereign people of the convention assembled could
9 actually invoke contempt power, and I believe that Mr.
10 Bamberger informs me over the long history of these
11 things there are a few isolated cases on the point, but
12 none of them are determinative and I for one would
13 not suggest that we take the position that we have any
14 inherent contempt power. I don't think it would be
15 worth it. It would create more problems than it
16 solves, so within the limitations, those limitations,
17 the fact that we have no sanction power, we have done
18 our best to propose to you a regulation which would
19 assist the Convention in knowing with whom it is dealing.
20 In the end then the only sanctions, aside from the
21 Convention's power to exclude from appearances before

1 it in a representative capacity those who don't comply
2 with the regulations, the only sanctions we have are
3 those of the fourth estate, the identification of the
4 person and the group for whom he purports to speak, and
5 a disclosure of the money he is receiving, or the money
6 that he has spent in advocating a particular point of
7 view that he is advocating before the Convention, so I
8 will not attempt to go over in detail each regulation or
9 each section of the proposed regulation but I would
10 like to deal with them briefly. I want to say one
11 thing: The Committee was unanimous, with one exception,
12 on the question of whether we should do anything at all
13 about this. Once it was determined that we should
14 recommend the Convention do something about it, the
15 Committee was unanimous in recommending that it should
16 cover not only those who get paid for representing the
17 views of others, but those who represent the views of
18 others, but don't get paid for it.
19 Now, I think we will see a lot of this category
20 of person, persons who come down to represent churches,
21 schools, municipal leagues and what have you, and we

1 just want to know, when they say they speak for a group
2 or an association, that they truly do, and for whom
3 they speak. I think this is a little bit different
4 than the situation in the General Assembly. The
5 category of representative witnesses, as we call the
6 latter category, those who don't get paid, will be very
7 large indeed.
8 Then let's get to the question of the persons
9 purported to be covered by this regulation. We purport
10 to cover every person who is engaged to represent another
11 person, association, corporation, et cetera, as set
12 forth in Section 1(a), who receives compensation for
13 those efforts. That category of person must register
14 as an agent; whether or not he is just talking to a
15 delegate or writing a delegate or what have you. The
16 second category, category we have elected to call
17 representative witnesses, are those who don't, who are
18 not compensated for their efforts in advocating the
19 views of others, but who nevertheless advocate the views
20 of others.
21 There was some feeling on the committee that

1 we would like to have this category of persons reached,
2 whatever they do, whenever they contact a delegate but
3 here we floundered on the limitations of language.
4 Could we draw a distinction between the person that
5 talked to a delegate when he got home on the weekend or
6 talked to a delegate on the steps of the State House, and
7 there we gave up and secondly as Congressman Sickles
8 pointed out, we might be catching the little person, the
9 person who never had any great experience in lobbying
10 before the Legislature, but who nevertheless wants to
11 acquaint his delegates in his county with the views, say,
12 of his local P.T.A. or what have you and if we reached
13 out too broadly in that direction, we might be fashioning
14 a net, as it was said, the law being the net that catches
15 gnats and lets wasps free. We didn't want to penalize
16 the average citizen, so we perhaps, I would say it
17 was cowardly way out but it was the only intelligent
18 way out in view of the situation. We elected to embrace
19 those people within the requirement of registration,
20 only when they appeared before the Convention, or a
21 committee of the Convention, including the Committee of

1 the Whole, or a sub-committee of the Convention, so those
2 people also would be required to register and they would
3 be designated as in Section 1(b) as a representative
4 witness.
5 We do not require registration by any person
6 who just appears to present his own point of view.
7 We don't require -- we propose we not require the
8 registration of any elected or appointed official of this
9 state appearing in his ordinary course of duties.
10 Similarly any elected or appointed official of this
11 state, when advocating his own views, would not be
12 required to register. Let us give an example.
13 If, say, the County Attorney of my county,
14 Montgomery County,came down to present Montgomery County's
15 views, I don't think he should be required to register.
16 On the other hand, if the county association or the
17 association of counties chose him as their spokesman
18 to present their views on a particular subject before
19 the Convention, then he too would at least have to
20 register and indicate the fact that he spoke for others
21 apart from himself.

1 Now in Section 2 we deal with the time of
2 registration, and I won't go over the details of it.
3 Within ten days after a person has been engaged to
4 lobby, or to advocate, he should register. There
5 will be times, however, that a person will have already
6 contacted a delegate or done some work and without
7 having registered, in which case he must do so within
8 three days.
9 In Section 3, we set forth the information
10 that would be required on the registration form. Hope-
11 fully these forms would be available not only in the
12 secretary's office, but in the possession of each committee
13 chairman so when a witness came to testify before a
14 committee, if he were within one of the categories
15 embraced in the regulation, he would fill out the form.
16 We have also provided that the information required
17 under the proposed regulation could be supplied by mail.
18 On the question of failure to comply, as I
19 indicated in the beginning, we really don't have any
20 club, any deterent. All we could do is bar a person from
21 further appearances before the Convention, if he neglected

1 to abide by the regulation. This would be done after
2 notice and opportunity for hearing before the Rules
3 Committee. The Rules Committee would recommend to the
4 Convention. The Convention would decide whether or not
5 such a person should be penalized by being denied the
6 privilege from appearing at further sessions of the
7 Committee or the Convention, either to the end of
8 the Convention or for a limited time.
9 We also, I might add this point, it seems to
10 be relevant here. Delegate Morgan, who did appear before
11 our committee, recommended, suggested that we exempt
12 from the applicability of the regulation those witnesses
13 who were invited by a committee to appear.
14 The Committee considered this at some length.
15 There seems to be a dash of fairness in support of that
16 proposal. On the other hand, it seems to us if we
17 granted this exemption, in view of the promiscuity with
18 which invitations have been extended to putative
19 witnesses, we would be taking, I think one of the
20 members of the committee,perhaps myself, said it is a
21 toothless regulation, let us not extract the gums,but

1 it seems to us if we yielded on that point we would really
2 have nothing, because it would be a very simple matter
3 to get an invitation and no one would have to register
4 unless he didn't know anybody at the Convention and
5 would not be favored with an invitation.
6 We require reports, as set forth in Section
7 5, periodically. I won't go over the details. They
8 don't seem burdensome. If a man comes down once and
9 is reimbursed for his expenditures and represents the
10 views of others all he would have to do is report that
11 once. There is another slightly troublesome problem
12 that I believe Delegate Burdette, who appeared before
13 our committee, raised. We are required that after the
14 Convention has gone on to the final report required by
15 the regulation be filed with the Secretary of State.
16 We will be delighted that it be required to be filed
17 with the Secretary of the Convention but I assume that
18 once the Convention adjourns, he shall go home with
19 the rest of us and therefore will no longer have any
20 official status whatsoever. The Secretary of State,
21 however, will. If you read the Enabling Act, I think

1 the provisions of the Enabling Act make it reasonably
2 clear, if not explicitly, that the various officers of
3 this State shall cooperate with the Convention, and
4 I would assume that the Secretary of State would
5 cooperate to the extent of receiving those reports.
6 They have no putative impact. If they are perjurous
7 or inaccurate, what have you, in the end as in the
8 beginning, the only club, the only inducement to a
9 full and fair report would be publicity, identification
10 and disclosure, reinforced, of course, by the intrepid
11 representatives of this State.
12 We have another section that prohibits
13 contingent compensation, Section 7 and at this point I
14 would like, well, I will come to it in a second. Under
15 Section 7 we bar contingent compensation. However, as
16 it reads now, and I will offer an amendment approved
17 by the committee, suggested by Delegate Morgan, and
18 approved by the committee; I will offer this amendment
19 when we reach that point, and after the report has
20 formally been moved for adoption.
21 At the present time we prohibit compensation,

1 which is contingent, and I am reading now from Page 4
2 of the proposed regulation, in whole or in part, upon
3 the adoption or defeat of any matter or proposal and
4 no person shall accept any such employment or render
5 any such service for a fee, salary, or other compensa-
6 tion, contingent upon such adoption or defeat.
7 Delegate Morgan called attention to the
8 fact he thought that was too limited, and we looked at
9 it again. Actually the statutory provisions which
10 regulate lobbying in the Legislature of this State are
11 broader; not only whether proposals are adopted or
12 defeated but whether or not the compensation is
13 contingent in any way upon the partial or complete
14 success of the outcome, so the amendment I will move in
15 a little while will strike the last line on Page 4, to
16 substitute therefor, or other compensation that is
17 determined "in whole or in part with reference to the
18 result accomplished."
19 I think in that respect we are more harmonious
20 with the present statutory provision, and it is a little
21 more, a little broader coverage. It represents a little

1 broader coverage. Of course, again, there is no way of
2 enforcing it except to say, as Mr. Bamberger's research
3 revealed, that there is no question that a contingent
4 fee contract for lobbying before a legislative body, and
5 I believe a Constutitional Convention, is either a void
6 or avoidable contract, and to that extent any person
7 that entered into such a contract, if he wasn't sure
8 the client would pay him, would perhaps think twice
9 about it. Then the Morgan amendment is a little broader
10 than we had it originally but the Committee unanimously
11 agreed to that.
12 Now, finally, there is a category of exception
13 in which the regulation is not to be construed in
14 covering professional services in drafting a proposed
15 Constitutional amendment or advising clients or rendering
16 opinions as construction in effect of any Constitutional
17 amendment which may be considered at the Convention,
18 where such professional services are not otherwise
19 connected with Constitutional Convention action, et
20 cetera.
21 Now, this clears up a point that isnot clear

1 in the statutes. I don't believe that there has been
2 a square determination under the Maryland Lobbying
3 Act, whether a lawyer sitting back in his office and
4 advising a client with respect to proposed legislation
5 coming up before the General Assembly could be covered
6 by that statute or not. In any event, we want to make
7 it perfectly clear insofar as this proposed regulation
8 is concerned, a lawyer, other person, giving people
9 advice for compensation with respect to matters pending
10 before this Convention who did not appear or contact a
11 delegate or take the other action under which registration
12 is required, if he didn't do that, but merely advised,
13 drafted, suggested, and he took none of the other
14 actions covered in the earlier sections of Section 1,
15 especially 1(a) of the proposed regulation, then that
16 person would not be a person required to register.
17 Mr. President, I would like to move --
18 THE PRESIDENT: Before you make the motion,
19 let me inquire whether there are any questions to be
20 asked of the chairmen of the committee for clarification.
21 Delegate Gallagher?

1 DELEGATE GALLAGHER: Mr. Scanlan, do you
2 propose that the adoption of this rule will be retroactive,
3 that is to say, will have any effect or impose duties
4 upon those who have already testified before the
5 various committees, or have in any way fallen under
6 the purview of this statute once it is adopted?
7 DELEGATE SCANLAN: I am sorry to say, Delegate
8 Gallagher, the answer to that is no, and I suppose if
9 the Committee had been any more delinquent about getting
10 this proposed regulation to you for your approval, that
11 not only would it be toothless, but it would be faithless.
12 THE PRESIDENT: Delegate Koss.
13 DELEGATE KOSS: I would like to address this
14 to Mr. Scanlan.
15 It is my understanding that he specifically
16 referred to the individual who would testify once and
17 then not appear before the Convention or the Committee
18 again and that person would have to file only one
19 report. As I read Section 5, it doesn't seem to say
20 that. It seems to me to say that every month that he would
21 have to file a report.

1 DELEGATE SCANLAN: Actually, that question
2 was precisely put to the committee by Delegate Burdette
3 in his appearance yesterday, and the unanimous feeling
4 and interpretation of the committee was the phrase that
5 appears on the top of Page 4, "Itemize cumulative
6 statement" would mean if there was nothing to add it wasn't
7 covered, but maybe some clarification of language might
8 be justified there.
9 THE PRESIDENT: Delegate Bard.
10 DELEGATE BARD: Mr. President, when would this
11 go into effect? There are the matter of forms and
12 other matters which I would think would keep it from
13 going into effect immediately. Is there anything within
14 this resolution itself that indicates the effective
15 date?
16 DELEGATE SCANLAN: No. I would assume that
17 once it was adopted by the Convention, it would be
18 in effect, and we do have, of course, an administrative
19 lag to prepare the forms but that shouldn't be hard --
20 over the weekend if it is adopted today or in a few
21 days, but I believe the committee intended it to be

1 effective when this Convention approved it.

2 THE PRESIDENT: Delegate Gleason.

3 DELEGATE GLEASON: Mr. President, first of
4 all I would like to complain that I think there may be
5 some members of the Convention who are under the impres-
6 sion, that either Mrs. Gill or myself are going to start
7 having to work our influence on this Convention because
8 our microphone is missing. Secondly, if I might ask
9 the Chairman of the Rules Committee, let's take a
10 hypothetical case of a regular employee of a corporation
11 who is hired for public relations in the ordinary
12 course of his duties, and the Convention now being
13 in session, the executive vice president of that
14 corporation tells that particular employee, get up to
15 Annapolis and start working your influence on a
16 particular aspect or a particular piece of legislation,
17 or proposal before the Convention.

18 Would such a person be included in those
19 engaged for a salary to promote a matter pending before
20 the Convention?

21 DELEGATE SCANLAN: Yes, he would be, and the

1 manner in which he would report, I believe, is covered
2 by proposed Section 5, Mr. Gleason, especially the
3 second paragraph thereof; reading, an agent who has been
4 engaged or hired for an additional purpose by the person,
5 firm, corporation, association, political subdivision,
6 or agency of the State of Maryland, or of any other
7 political subdivision for whom he acts as agent, shall
8 report among his receipts that part of his fee, salary,
9 or other compensation reasonably allocable for the
10 performance of his duties as agent, and shall state the
11 basis for the allocation.
12 I regard him -- with the permission of the
13 presiding officer, the President, Mr. Bamberger was
14 Chairman of our sub-committee and I wouldn't want to
15 misstate any of the details of this. That is how I
16 read it.
17 DELEGATE GLEASON: I really wanted a
18 clarification of what that other purpose was.
19 DELEGATE SCANLAN: If the chair would
20 permit, I would like Mr. Bamberger to further reply in
21 event I haven't captured all of it.

1 DELEGATE BAMBERGER: I would only add, to
2 read, in connection with the definition of 1(a), which
3 defines agent as person engaged or hired to lobby and
4 says, including persons engaged or hired for an additional
5 purpose.
6 DELEGATE SCANLAN: So the answer to your
7 question, Delegate Gleason, yes, such a person would
8 be covered.
9 DELEGATE GLEASON: The other question I had,
10 if I may pursue the matter, is whether the committee
11 considered in the case of an agent who fails to comply
12 with the rule whereby the persons called before the
13 Committee or requested to testify, whether the committee
14 considered also the requesting of the employer of such
15 person to come before the committee to so testify.
16 DELEGATE SCANLAN: One, the Convention has
17 no power, I think it is a point discussed back in
18 July to subpoena anybody or to require anyone to
19 testify. We could invite the employer to come, and if
20 he came to express his own views, he would certainly
21 be immune from registration because he was not appearing

1 in a representative capacity. It would be very nice, as
2 Delegate Bamberger and the sub-committee reminded us
3 if we had the power to reach out and some way get out
4 those who employ the agents. I am sure I am not letting
5 any secrets out but there have been a number of
6 organizations that have been beseiging the delegates
7 with full blown copies of proposed constitutions,
8 and other matters, and it would be very nice if we
9 had a way of finding out just who all these people are,
10 what they represent, how much money they are spending
11 in the publicity effort, but the statute is silent on
12 that. It gives us no powers to get there and so I am
13 afraid that our answer there again is there is not much
14 we can do about that, and as I said, maybe this is the
15 regulation, you create a net to catch gnats but the
16 wasps go free. Mr. Bamberger, do you have anything
17 else?
18 THE PRESIDENT: Delegate Freedlander.
19 DELEGATE FREEDLANDER: Mr. President, and,
20 Mr. Scanlan, under Category 8, exceptions, would this
21 apply to delegates who are members of this body who are

1 also in their spare time or otherwise counsel to local
2 governments, for instance, who may be advising and lobbying
3 in their fashion in a category other than the committee
4 on which they would serve?
5 DELEGATE SCANLAN: Senator Della raised this
6 with us. The answer is no. If you are a delegate to
7 this Convention, you are here and there is nothing
8 more you have to do, just vote your conscience.
9 THE PRESIDENT: Are there any other questions
10 for clarification? Delegate Kiefer?
11 DELEGATE KIEFER: Delegate Scanlan, I have a
12 letter here from an attorney representing a commercial
13 group or organization, and specifically written to me,
14 and advocating a particular proposition. Would this
15 be considered requiring a registration by this particular
16 person?
17 DELEGATE SCANLAN: Delegate Kiefer, I
18 couldn't answer it until I had determined, one, whether
19 the attorney is just advocating his own point of view.
20 If he is, let me just take a possible alternative
21 hypothetically, one, if he is advocating his own views,

1 no, he is not covered by the proposed regulation.
2 Two, if he is engaged for hire to advocate the views
3 of others, corporation, person, association, what have
4 you, then if this regulation were in effect, that letter
5 to you would be an attempt to contact the
6 delegate and he would have to register within three days
7 after having done so.
8 Now the third alternative, he was engaged
9 by, say, the good citizens of the Baptist and
10 Catholics united of your county to present their views.
11 He would have to register only if he came down here and
12 testified before your committee. At that time he would
13 have to register. Does that answer your question?
14 DELEGATE KIEFER: I think so because this
15 thing specifically represents a group, and I assume it
16 is for hire, because it indicates that, and specifically
17 proposes a specific proposal, so I would assume we would
18 have to require him to register.
19 DELEGATE SCANLAN: Tell him he is lucky he
20 got the letter in early.
21 THE PRESIDENT: Delegate Pullen.

1 DELEGATE PULLEN: Mr. President, so far as I
2 can see, this is nothing but a splendid confession of
3 faith.
4 THE PRESIDENT: Delegate Pullen, the only
5 order of business at the moment are questions addressed
6 to the Chairman of the Committee for clarification.
7 Are you going to ask a question?
8 DELEGATE PULLEN: I ask why we do not proceed
9 to vote upon it and trust to providence to pull us
10 through.
11 THE PRESIDENT: Are there any further questions?
12 DELEGATE SCANLAN: Is he registered?
13 THE PRESIDENT: If not, Delegate Scanlan,
14 you may make -- I am sorry, Delegate Della.
15 DELEGATE DELLA: Mr. Scanlan, should this
16 report be adopted, how will the lobbyists be informed
17 that we have a rule on our books requiring them to
18 register?
19 DELEGATE SCANLAN: I apologize, Senator Della,
20 I was going to say that if the recommendation, however
21 amended, is adopted by the Convention today, we would

1 move that the regulation be printed as an appendix
2 with the rules when those rules are either finally
3 printed or finally mimeographed, whatever the form of the
4 distribution of the rules may be, that that regulation
5 would be set forth as an appendix there.
6 THE PRESIDENT: Any further questions?
7 Delegate Scanlan, you may make your motion.
8 DELEGATE SCANLAN: Mr. President, before I
9 formally move adoption of the resolution, I would just
10 like to move two amendments, one completely stylistic,
11 and that is wherever the word resolution occurs in our
12 proposed regulations and in our report, that should
13 read "regulation." The reason for that is, the rule
14 that we adopted in July, Rule 69 of the rules, states
15 that the Convention may by resolution issue rules or
16 regulations with respect to the registration and
17 appearance of lobbyists. In effect our purpose is to
18 make this a regulation regarding lobbyists and therefore
19 I move you, sir, that wherever the word resolution
20 appears in our proposed regulation, and in our report,
21 that it be read as "regulation."

1 THE PRESIDENT: Technically I think probably
2 the motion to approve the resolution ought to be before
3 you first, but I don't think there is any objection
4 and the Chair will rule that in the absence of objection,
5 any objection, the stylistic amendment just suggested
6 by the committee will be made. Is there any objection
7 at all?
8 THE PRESIDENT: Hearing none, the resolution
9 is amended so as to substitute for the word resolution
10 wherever it appears in the body of the proposal, the
11 word "regulation."
12 DELEGATE SCANLAN: The second proposed committee
13 amendment is substantive. It is the one to which I
14 adverted earlier, namely, the suggestion of Delegate
15 Morgan that in the last line of Page 4, Section 7, of
16 the proposed regulation, dealing with contingent compen-
17 sation, the last line thereof, now reading "contingent
18 upon such adoption or defeat," be eliminated, and
19 that there be substituted for the language reading
20 "that is determined" --
21 THE PRESIDENT: Read that again, Mr. Scanlan;

1 the substitute language is what?

2 DELEGATE SCANLAN: "That is determined in

3 whole or in part, with reference to the result accomplished."

4 That is a slightly broader coverage than

5 we had and more consistent with the statutory regulation

6 on the subject.

7 DELEGATE BAMBERGER: Say that again, please.

8 DELEGATE SCANLAN: I am sorry. We will delete,

9 the motion is to delete the last line on Page 4, and

10 substitute for it language reading "That is determined

11 in whole on in part with reference to the result

12 accomplished." As I understand it, it won't be necessary

13 just to have a contingent fee to defeat something or

14 get something approved. If it in any way was contingent

15 upon the degree of your success at the Convention, in

16 shading a point of view, et cetera, it would then be

17 covered by the prohibition against contingent fees.

18 THE PRESIDENT: Delegate Bamberger?

19 DELEGATE BAMBERGER: That same amendment would

20 have to be made after the word compensation, on the

21 seventh line of Paragraph 7.

1 DELEGATE SCANLAN: Delegate Bamberger is
2 quite correct, and I would make the same change there to
3 encompass both in the same committee motion.
4 THE PRESIDENT: Delegate Bamberger, the Chair
5 is in doubt. You are speaking of the seventh line of
6 Paragraph 7?
7 DELEGATE BAMBERGER: Yes.
8 THE PRESIDENT: And following the last word
9 in the line, compensation?
10 DELEGATE BAMBERGER: Yes.
11 THE PRESIDENT: And would you delete anything
12 in the next line then?
13 DELEGATE BAMBERGER: I would delete all of
14 the next line. Just a minute. I would delete all of
15 the next line and delete the words matter of proposal
16 on the ninth line.
17 THE PRESIDENT: The tenth line. I am sorry.
18 You are right. As I understand it, then, the proposal
19 by the committee is to amend Section 7 on Page 4 by
20 adding, after the last word, compensation, in the
21 seventh line, the phrase, that is determined in whole

1 or in part with reference to the result accomplished,
2 and deleting all of the eighth line, and first three
3 words, matter or proposal in the ninth line, and further,
4 by deleting the last six words, being all of the last
5 line, and inserting in lieu thereof, the words,
6 "that is determine in whole or in part with reference to
7 the result accomplished."
8 Is that the suggestion of the committee
9 chairman?
10 DELEGATE SCANLAN: That is.
11 THE PRESIDENT: Is there any objection to the
12 change suggested by the Committee?
13 If not, then the proposed regulation will be
14 considered as having been so amended.
15 You had another suggestion.
16 DELEGATE SCANLAN: No. At this point, Mr.
17 President, I am ready to move that the proposed regulation
18 favorably reported on in this Second Report of the
19 Committee on Rules, Convention Budget, be adopted by
20 the Convention.
21 THE PRESIDENT: Is there a second?
(The motion was duly seconded.)

THE PRESIDENT: Is there any discussion?

1 DELEGATE DUKES: David Dukes, Prince Georges
2 County. Mr. President, I have known Chairman Scanlan
3 for a number of years and have never been unimpressed by
4 his eloquence and ability. Even today his staying power
5 is fine. Because of my impression of him, I studied
6 very carefully the report of the Committee on Rules, and
7 I listened to each and every word. I cannot see where
8 we gain anything by the proposed regulations except per-
9 haps a partial list of various witnesses who will appear
10 before the Convention. Beyond that it seems to me that
11 inasmuch as we have no sanctions, inasmuch as we
12 apparently have not seen fit to do that which we could
13 have done, and that is provide some sort of censure or
14 other punitive measures for those of us who should choose
15 not to worry about the regulations ourselves, not report
16 improper comments made to us or improper attempts to ap-
17 proach the Convention, and inasmuch as I can see not
18 where we gain anything other than, as I said, a list of
19 witnesses, which can easily be obtained by asking desirable
20 questions of the witnesses when they appear before the
21 committees or the Convention, and inasmuch as my dear old

1 daddy told me, if it doesn't do some good, it probably
2 does some harm, I am against the motion.
3 THE PRESIDENT: Is there any further discussion?
4 (There was no response.)
5 THE PRESIDENT: Are you ready for the question?
6 The question arises on the motion to approve the resolu-
7 tion adopting the regulation contained therein with res-
8 pect to lobbyists. A vote Aye is a vote to adopt the
9 regulation. A vote No rejects. All in favor, signify
10 by saying Aye. Contrary, No. The Ayes seem to have it.
11 The Ayes have it. The resolution is adopted. Thank you,
12 Mr. Scanlan.
13 DELEGATE SCANLAN: Mr. President, is it not
14 necessary to move that the regulation be contained as an
15 appendix when the rules are finally prepared, or is that
16 an administrative matter?
17 THE PRESIDENT: I believe that would be desir-
18 able. I would like for you also to include in your motion
19 a direction that the Secretary cause the regulation to be
20 published in such newspapers as he deems appropriate.
21 DELEGATE SCANLAN: I now move that the regulation

1 just adopted by the Convention be printed or otherwise
2 published with the rules of the Convention when those
3 are ultimately distributed, and that the Secretary of
4 the Convention take all reasonable measures to give the
5 proposed regulation the required publicity so that those
6 affected by it may know about it.
7 THE PRESIDENT: Is there a second?
8 DELEGATE BAMBERGER: Second.
9 THE PRESIDENT: Any discussion? The question
10 arises on the motion that the Secretary take all reason-
11 able steps to cause the regulation just adopted be
12 published and to become known to those affected by it.
13 All those in favor, signify by saying Aye; contrary, No.
14 The Ayes have it. It is so ordered.
15 The next order of business is the introduction
16 and first reading of Proposals.
17 There are eighteen proposals today. Delegate
18 Proposal No. 122. The Clerk will read the proposal.
19 MR. QUILLEN: Delegate Proposal No. 122, by
20 Delegates Bard and James, A proposal that those sections
21 of the Constitution that deal with higher education shoulc

1 embrace these thoughts.

2 THE PRESIDENT: Delegate Proposal No. 122 is

3 referred to the Committee on General Provisions.

4 Delegate Proposal No. 123. The Clerk will read

5 the proposal.

6 MR. QUILLEN: Delegate Proposal No. 123, by

7 Delegate Bard, A proposal that the proposed Constitution

8 embrace the language of Section 3 of Article VIII of

9 the present Constitution, entitled, Education, which

10 reads as follows.

11 THE PRESIDENT: Delegate Proposal No. 123 is

12 referred to the Committee on General Provisions.

13 Delegate Proposal No. 124. The Clerk will read

14 the proposal.

15 MR. QUILLEN: Delegate Proposal No. 124, by

16 Delegates Rush, Caldwell and Hickman, A proposal that

17 Section 1.05 of the Declaration of Rights shall read as

18 follows.

19 THE PRESIDENT: Delegate Proposal No. 124 is

20 referred to the Committee on Personal Rights and The Pre-

21 amble.

1 Delegate Proposal No. 125. The Clerk will read
2 the proposal.
3 MR. QUILLEN: Delegate Proposal No. 125, by
4 Delegates Fox and Fornos, A proposal that the members of
5 the General Assembly shall receive an annual salary and
6 such allowances as may be prescribed by law and that
7 the amount of such annual salary shall be initially stated
8 in the Constitution and shall provide that any changes
9 in the salary made thereafter by the Legislature shall
10 not take effect until after the next election of the
11 members of the General Assembly of Maryland.
12 THE PRESIDENT: Delegate Proposal No. 125 is
13 referred to the Committee on the Legislative Branch.
14 Delegate Proposal No. 126. The Clerk will read
15 the proposal.
16 MR. QUILLEN: Delegate Proposal No. 126, by
17 Delegate Eckenrode, A proposal that Article VII, Section
18 7.02 of the Constitution shall read as follows.
19 THE PRESIDENT: Delegate Proposal No. 126 is
20 referred to the Committee on Local Government.
21 Delegate Proposal No. 127. The Clerk will read

1 the proposal.

2 MR. QUILLEN: Delegate Proposal No. 127, by

3 Delegate Marion, A proposal that Article V of the Con-

4 stitution dealing with the Judicial Branch provide that

5 no judgeship shall be created except upon certification

6 of need by the chief justice of the Supreme Court.

7 THE PRESIDENT: Delegate Proposal No. 127 is

8 referred to the Committee on the Judicial Branch.

9 Delegate Proposal No. 128. The Clerk will

10 read the proposal.

11 MR. QUILLEN: Delegate Proposal No. 128, by

12 Delegates Jett, Kirkland and Sosnowski, A proposal to

13 elect the State Board of Education for the free public

14 schools.

15 THE PRESIDENT: Delegate Proposal No. 128 is

16 referred to the Committee on General Provisions.

17 Delegate Proposal No. 129. The Clerk will

18 read the proposal.

19 MR. QUILLEN: Delegate Proposal No. 129,

20 by Delegate Kahl, A proposal that a primary election shall

21 be held on the Tuesday following the first Monday in the

1 May preceding a General Election held in November.

2 THE PRESIDENT: Delegate Proposal No. 129 is

3 referred to the Committee on Suffrage and Elections.

4 Delegate Proposal No. 130. The Clerk will read

5 the proposal.

6 MR. QUILLEN: Delegate Proposal No. 130, by

7 Delegates Weidemeyer, Kosakowski, Murray, Hostetter and

8 Burgess, A proposal that the Bill of Rights of the

9 Constitution shall prohibit the suspension of the writ

10 of habeas corpus that would read as follows.

11 THE PRESIDENT: Delegate Proposal No. 130 is

12 referred to the Committee on Personal Rights and The

13 Preamble.

14 Delegate Proposal No. 131. The Clerk will read

15 the proposal.

16 MR. QUILLEN: Delegate Proposal No. 131, by

17 Delegates Weidemeyer, Murray, Burgess and Hostetter, A

18 proposal that the Bill of Rights of the Constitution

19 contain a provision concerning the right to bear arms

20 with limitations that would read as follows.

21 THE PRESIDENT: Delegate Proposal No. 131 is

1 referred to the Committee on Personal Rights and The
2 Preamble.
3 Delegate Proposal No. 132. The Clerk will read
4 the proposal.
5 MR. QUILLEN: Delegate Proposal No. 132, by
6 Delegates Weidemeyer, Kosakowski, Murray, Hostetter and
7 Burgess, A proposal that the provisions of the Constitu-
8 tion concerning the Bill of Rights contain a prohibition
9 against double jeopardy of punishment for the same offense
10 that would read as follows.
11 THE PRESIDENT: Delegate Proposal No. 132 is
12 referred to the Committee on Personal Rights
13 and The Preamble.
14 Delegate Proposal No. 133. The Clerk will read
15 the proposal.
16 MR. QUILLEN: Delegate Proposal No. 133, by
17 Delegates Weidemeyer, Kosakowski, Murray, Hostetter and
18 Burgess, A proposal that the Bill of Rights of the
19 Constitution prohibit subjugation of persons to Martial
20 Law with exceptions that would read as follows.
21 THE PRESIDENT: Delegate Proposal No. 133 is

1 referred to the Committee on General Provisions.

2 I would like to ask the Committee on Personal

3 Rights to take particular note of that proposal. It

4 may be necessary to re-refer it to that Committee later.

5 It is referred to the Committee on General Provisions

6 because they are presently dealing with the subject of

7 militia, and there is some uncertainty as to the exact

8 meaning of the term, martial law.

9 Delegate Proposal No. 134. The Clerk will read

10 the proposal.

11 MR. QUILLEN: Delegate Proposal No. 134, by

12 Delegates Weidemeyer, Kosakowski, Hostetter, Murray and

13 Burgess, A proposal that the provisions of the Constitu-

14 tion concerning taxation contain a clause on prohibition

15 of assessment on capital gains and losses that would read

16 as follows.

17 THE PRESIDENT: Delegate Proposal No. 134 is

18 referred to the Committee on State Finance and Taxation.

19 Delegate Proposal No. 135. The Clerk will read

20 the proposal.

21 MR. QUILLEN: Delegate Proposal No. 135, by

1 Delegates Weidemeyer, Kosakowski, Hostetter, Murray and
2 Burgess, A proposal that the provisions of the Constitu-
3 tion concerning rights of the accused contain a clause
4 specifying the right of an accused to indictment by
5 Grand Jury, with the exceptions that would read as follows.
6 THE PRESIDENT: Delegate Proposal No. 135 is re-
7 ferred to the Committee on Personal Rights and The Pre-
8 amble.
9 Delegate Proposal No. 136. The Clerk will read
10 the proposal.
11 MR. QUILLEN: Delegate Proposal No. 136, by
12 Delegates Weidemeyer, Kosakowski, Murray, Hostetter and
13 Burgess, A proposal that the Bill of Rights of the
14 Constitution contain a provision restricting the right
15 of eminent domain that would read as follows.
16 THE PRESIDENT: Delegate Proposal No. 136 is
17 referred to the Committee on Personal Rights and The Pre-
18 amble.
19 Delegate Proposal No. 137. The Clerk will read
20 the proposal.
21 MR. QUILLEN: Delegate Proposal No. 137 by

1 Delegates Price, Weidemeyer, Kosakowski, Anderson, Hos-
2 tetter and Child, A proposal that the Bill of Rights of
3 the Constitution contain a provision concerning a right
4 of an individual to elect to demonstrate a belief in the
5 Supreme Being when he is taking an oath or affirmation
6 administered by the State that would read as follows.
7 THE PRESIDENT: Delegate Proposal No. 137 is
8 referred to the Committee on Personal Rights and Preamble.
9 Delegate Proposal No. 138. The Clerk will read
10 the proposal.
11 MR. QUILLEN: Delegate Proposal No. 138, by
12 Delegates Clark and James, A proposal that the legislative
13 power of the State shall be vested in the General Assembly
14 which shall consist of two houses, the Senate, containing
15 forty members, and the House of Delegates, containing
16 eighty members.
17 THE PRESIDENT: Delegate Proposal No. 138 is
18 referred to the Committee on the Legislative Branch.
19 Delegate Proposal No. 139. The Clerk will read
20 the proposal.
21 MR. QUILLEN: Delegate Proposal No. 139, by

1 Delegates Peters and Scanlan, A proposal that the Legis-
2 lative Article contain the following provisions regarding
3 compensation of members of the General Assembly.
4 THE PRESIDENT: Delegate Proposal No. 139 is
5 referred to the Committee on Legislative Branch.
6 There is attached to this proposal a memorandum
7 which you will note is signed and indicates that it
8 has been prepared by the sponsors.
9 Are there any other proposals, Mr. Clerk?
10 MR. WAGONHEIM: There are no other proposals,
11 Mr. President.
12 THE PRESIDENT: The next item is motions and
13 resolutions. There is a Resolution No. 4. I understand
14 that it has not been duplicated, and you therefore do
15 not have a copy on your desk. I will ask the Clerk to
16 read the entire resolution.
17 MR. QUILLEN: Resolution No. 4, by Delegate Hick-
18 man, A resolution concerning the procedure for introducing
19 a proposal or recommendation:
20 WHEREAS, several delegate proposals and sub-
21 stantive committee recommendations may be introduced in

1 the Constitutional Convention regarding new State fiscal
2 programs, and
3 WHEREAS, after having been read for the first
4 time, the proper committee shall have to consider, act
5 upon, or pass over such proposal or recommendation, and
6 WHEREAS, in order to give proper consideration
7 to such proposals and recommendations, each delegate
8 should be advised of the financial ramifications thereof,
9 NOW, THEREFORE, BE IT RESOLVED, by the Con-
10 stitutional Convention, that beginning Friday, Septem-
11 ber 29, 1967, each delegate proposal and substantive
12 committee recommendation regarding a fiscal program be
13 accompanied with a memorandum setting forth the monetary
14 budget required by the fiscal program, and if a similar
15 program now exists, a comparative cost study of the pro-
16 posed program with the program now in existence.
17 THE PRESIDENT: Resolution No. 4 is referred to
18 the Committee on Rules, Credentials and Convention Budget.
19 Are there any other motions or resolutions?
20 MR. WAGONHEIM: No, sir.
21 THE PRESIDENT: Delegate Rybczynski, if you are
arising to make the announcement that I understand you

1 want to make, I will recognize you for that purpose a
2 little later.
3 DELEGATE RYBCZYNSKI: Yes, sir.
4 THE PRESIDENT: Are there any other motions or
5 resolutions?
6 (There was no response.)
7 THE PRESIDENT: If not, we will proceed to
8 announcements. I have a very few announcements.
9 We have run into a problem that can cause us
10 some embarrassment outside by reason of requests to
11 outside agencies beyond the State for materials being
12 made directly by committee personnel. In a particular
13 instance, a request which required a good bit of research
14 and digging and additional printing by the Government
15 Printing Office was addressed by personnel of two separate
16 committees to the two United States senators separately.
17 Each spent a great deal of time in obtaining exactly the
18 same material. They were a little disconcerted to find
19 they were duplicating the efforts. May we, therefore,
20 request that all requests for materials from outside
21 agencies, either State agencies or agencies outside the

1 State, not be submitted directly by committee personnel,
2 but be directed to the librarian, Mrs. Keller, and in the
3 event of duplication, she would then know it. Any re-
4 quest you want, please present it to Mrs. Keller, the
5 librarian, who is in the library in the Jeffrey Building.
6 In connection with the library, let me also announce
7 that it will be substantially augmented very shortly by
8 delivery of a number of volumes being loaned to the
9 Convention by the Enoch Pratt Library in Baltimore City.
10 As soon as those volumes are received and a few other
11 volumes that have been ordered, a complete library list
12 will be prepared and circulated to all delegates so that
13 you will know what is available in the library.
14 If, in addition, there are publications which
15 you think would be very helpful and of considerable use
16 to delegates or the committees and they are not in the
17 library or not otherwise readily available in the State
18 Law Library, will you please give Mrs. Keller a memoran-
19 dum so that a decision can be made whether to obtain the
20 material, and if so, how many copies?
21 You should have on your desks today the first

1 part of a memorandum which was requested by the Convention
2 some days ago, which is a memorandum assigning for pur-
3 poses of study and consideration to the various committees
4 all the provisions of the present Constitution. This is
5 called the President's Memorandum No. 13. It comprises
6 presently four pages. There are six additional pages
7 which have not been reproduced but have nothing different.
8 It is merely a restatement of the same material on these
9 four pages by committees, so don't bother to look through
10 and pick out the assignments of your particular committees.
11 This has already been done. As soon as it can be dup-
12 licated, you will receive the additional sheets, which
13 we will make available for you.
14 Just one word about this. In order to not dif-
15 fuse responsibility, assignments have been made to only
16 one committee. In some instances, this has required that
17 an existing section be assigned to committees, but not
18 the entire section so assigned, but parts of a section
19 assigned to a committee. In addition, there are some
20 instances where primary responsibility for a section ought
21 to be in one committee, but one or more other committees

1 ought to take a look at it or know about it so as to
2 be familiar with the fact that it is in the Constitution
3 and is being considered. Therefore, the secondary assign-
4 ment is for your consideration. The primary assignment
5 fixes the responsibility.
6 In connection with this memorandum, let me urge
7 you to use the two-column comparison of the present
8 Constitution and the draft Constitution which is in the
9 Commission's final report. You will find it helpful
10 as a means of getting on one page a precise language of
11 the Constitution that you have. The present Constitution,
12 as you know, is in the left-hand column of that comparison
13 We have now got into a volume of proposals
14 and are approaching the point at which committees may be
15 making reports with respect to various proposals. It is
16 contemplated that it will be more convenient for you to
17 have the proposals in your book in this room; that is,
18 your book which contains all the proposals, have them
19 regrouped, not by number, but by committee, and then
20 within the committee, by number. This will mean that you
21 will have within this book a number of tabs, with the

1 name of the committee, and your proposals will be re-
2 arranged under those tabs numerically. If you do not
3 desire your book rearranged in this manner, but prefer
4 to leave it as it is, please leave a note in your book;
5 fasten it to one of the rings. In that event, the page
6 will not tamper with your book. If there is no such note,
7 you will find either Monday or Tuesday your book re-
8 arranged so that all proposals referred to one committee
9 will be in one place.
10 Are there any announcements by committee chair-
11 men? Delegate Koss?
12 DELEGATE KOSS: Mr. President, I have the honor
13 to announce that this morning the Committee on Suffrage
14 and Elections by acclamation elected as its vice-president
15 Nicholas M. Schloeder. I would also like to announce the
16 next meeting of the full Committee will be at 1 o'clock
17 on Monday. Thank you.
18 THE PRESIDENT: Any other announcements by
19 committee chairmen? Delegate Penniman?
20 DELEGATE PENNIMAN: Mr. President, I would like
21 to announce the next meeting of the Committee on Style,

1 which will be Monday afternoon at 3 o'clock.

2 THE PRESIDENT: Any further announcements by

3 committee chairmen? Delegate Morgan?

4 DELEGATE MORGAN: Mr. President, the Committee

5 on Executive Branch will meet right after the General

6 Session on Monday to continue its consideration of the

7 formal and, quote, non-controversial matters, unquote.

8 THE PRESIDENT: Delegate Kiefer?

9 DELEGATE KIEFER: The Committee on Personal

10 Rights and Preamble will meet Monday at 2 o'clock. The

11 original program has been changed, and Delegate Chabot

12 will talk or appear before the Committee to talk on his

13 comprehensive plan for a Bill of Rights, which is Proposal

14 No. 18. If anybody else would like to come, they are

15 welcome.

16 THE PRESIDENT: Delegate Mudd?

17 DELEGATE MUDD: Mr. President, the Committee

18 on the Judicial Branch will resume its meeting following

19 this session, hearing the subject of the elections of

20 judges. We would welcome any delegates who might want to

21 attend. We resume hearings Monday at a meeting scheduled

1 at 3 o'clock with three witnesses scheduled for that day.
2 May I also now announce for the benefit of the delegates
3 who will hurry home for this weekend that Wednesday,
4 September 27, 10 a.m., has been scheduled as Register of
5 Wills Day before our Committee at a meeting to be held in
6 the Baltimore City Delegation Room in the Shaw House.
7 Likewise, Monday, October 2, at 1 p.m., will be Clerk of
8 the Court Day before the Committee on the Judicial Branch,
9 and that meeting will be held in the Assembly Room of
10 the State Office Building. Thank you.
11 THE PRESIDENT: Any further announcements of
12 committee chairmen? Delegate Gallagher?
13 DELEGATE GALLAGHER: Mr. President, ladies and
14 gentlemen, the Committee on the Legislative Branch will
15 meet Monday at 2 p.m. to hear testimony from the Speaker
16 of the House, Marvin Mandel, who is also a liaison member
17 from the Legislature to the Committee. Also at the
18 2 o'clock session on Monday, the Committee will elect its
19 vice-chairman.
20 THE PRESIDENT: Delegate Powers?
21 DELEGATE POWERS: Mr. President, the Committee

1 on Calendar and Agenda is pleased to announce the elec-
2 tion of Delegate Borom as its vice-chairman.
3 THE PRESIDENT: Any further announcements?
4 Delegate Moser?
5 DELEGATE MOSER: Mr. President, the Committee
6 on Local Government will continue its hearings on the
7 Interrelations Among Municipalities, States and Other
8 Municipal Governments on Monday morning at 10:15 a.m.,
9 when we will hear from a number of mayors and city attor-
10 neys. At 2:30 on Monday, we are having Delegate Raley
11 appear before us, and at 3 p.m., Senator Harry Hughes.
12 I would also like to announce at this time that
13 on Wednesday, September 27, this Committee will have
14 representatives of Baltimore City appearing before it.
15 THE PRESIDENT: Any further announcements by
16 committee chairmen? Delegate Scanlan?
17 DELEGATE SCANLAN: Mr. President, I again advise
18 the delegates that following the plenary session of the
19 Convention on Tuesday, we shall take up Senator Malkus's
20 resolution with respect to budget and public information
21 matters. Other delegates are invited. Hopefully, if it

1 is available, it will be held in the Baltimore Delegation
2 Hearing Room in the Shaw House.
3 I would like to announce we have not selected
4 a vice-chairman. We began the nominating procedure today.
5 My Committee is composed in good measure of lawyers, and
6 I might say we have not yet finished seconding speeches.
7 We hope to complete that process on Tuesday.
8 THE PRESIDENT: Delegate Sherbow?
9 DELEGATE SHERBOW: Mr. President, the Committee
10 on State Finance and Taxation will meet Monday immediately
11 after the session. Beginning Tuesday of next week,
12 hearings will be held, at which State officials will be
13 present, Tuesday, Wednesday and Thursday, on various
14 aspects of State finance. These hearings are being
15 posted, and you will be kept advised through that means
16 of the witnesses and their subjects.
17 THE PRESIDENT: Any further announcements of
18 committee chairman? Delegate Boyer?
19 DELEGATE BOYER: Mr. President, the Committee on
20 General Provisions has blocked out a very tight schedule
21 for the many people interested in education that will be

1 heard for the coming week. I would like to call the
2 attention of those who may come in possession of this
3 schedule that is being produced and distributed that we
4 will have no meetings, as the schedule indicates here, on
5 Monday morning; but our first meeting will be on Monday
6 afternoon at 3 o'clock sharp. After the Convention in
7 the afternoon, we will have our meetings later on in
8 the evening. Thank you.
9 THE PRESIDENT: Further announcements from
10 committee chairmen?
11 One other announcement that I want to make. I
12 have been handed a note, and unfortunately it will not
13 be possible to distribute this afternoon the fifth report
14 of the Committee on Rules. It will be distributed as soon
15 as possible Monday morning.
16 The Chair recognizes Delegate Rybczynski for
17 the purposes of making an announcement.
18 DELEGATE RYBCZYNSKI: Mr. President, it has
19 been suggested here that I might make an announcement as
20 a follow-up of one the other day. Since I haven't seen
21 the wife in the last few days, there will be no such

1 announcement.

2 Now, Mr. President, on an entirely different

3 subject, as we all know, meetings are going on, witnesses

4 are being heard, and very frankly, I am slowly getting the

5 feeling that, except in the one substantive committee, of

6 which I am a member, I am now in a vacuum, and I will be

7 voting in a vacuum one day, except as to committee reports.

8 Meetings are being held simultaneously, where witnesses

9 are being heard, so that there is no opportunity, and

10 rightfully so, I suppose, there is no opportunity to hear

11 persons who I would very much like to hear. Consequently,

12 the thought occurs to me that this would be the

13 appropriate time to ask my fellow City -- Baltimore City

14 delegates to consider meeting as a delegation once a day

15 or once every other day so that we can accomplish two

16 things: Number one, to give our City officials who are

17 spending a lot of money on experts, an opportunity to keep

18 in touch with us as a unit, and to do so easily and to

19 consider matters which are important to the Baltimore City

20 proposition; and number two, to give the members of the

21 delegation an opportunity to exchange views and to exchange

1 information as to what is going on in each other's com-
2 mittees, so that for that purpose, I would strongly
3 suggest we have former judges, we have a very prominent
4 attorney from Charles Street, we have a lot of prominent
5 people here from Baltimore City, and in fact we have a
6 former president of the Baltimore City delegation in the
7 House of Delegates, so that between them, certainly we
8 can get a first class leader to help us along in acquir-
9 ing information. Very frankly, I have found the Sunpapers
10 very disappointing so far. All that I have heard about
11 mostly is a pretty good fight entitled, Eney versus
12 Malkus. Other than that, I am having a hard time keeping
13 up, so that in great measure, Mr. President, it seems
14 like we are still out of bounds here. We are moving along
15 very slowly. We will get the information at some point,
16 but we have to remember that unless we make provision for
17 it, we will not be hearing these other witnesses who are
18 not designated to appear before our individual committees,
19 and for that reason, I strongly suggest that we make some
20 show now so that we can do this promptly, according to
21 the schedule outlined by the President, we only have

1 two more weeks to hear witnesses.

2 This is not a very long length of time; so if

3 it is at all possible, if we could have some people

4 there from the Baltimore City delegation, we could

5 do it today.

6 THE PRESIDENT: Let me make this suggestion,

7 Delegate Rybczynski. I think the only room available

8 to the Convention that is sufficiently large to accommodate

9 all the delegates from Baltimore City is the room which

10 the Convention calls its Number One Hearing Room, and which

11 the Legislature calls the Baltimore City Delegation Room.

12 I would suggest, therefore, that all delegates from

13 Baltimore City who are so inclined immediately after

14 adjournment today, meet with you in the Hearing Room in

15 the basement of the Shaw House. It is not in use this

16 afternoon. May I further suggest that if you desire to

17 use that room for such meetings, you speak to the Secre-

18 tary of the Convention because it will be used fairly

19 often from now on as a hearing room.

20 DELEGATE RYBCZYNSKI: May I further suggest,

21 Mr. President, that the two chairmen who announced meetings

1 immediately after this meeting bear with us and give us
2 a few minutes to try to do something. Thank you,
3 Mr. President.
4 THE PRESIDENT: Delegate Clarke?
5 DELEGATE CLARKE: Mr. President, I have an
6 announcement which I think will be of particular interest to
7 the members of the House of Delegates. As you know,
8 there was a proposal put in by the two distinguished
9 senators to reduce the Senate to forty, and the House of
10 Delegates to eighty. Several of us who are members of
11 the House of Delegates intend Monday to put in a proposal
12 reducing the Senate to twenty-seven, and increasing the
13 House to one hundred fifty-four. We feel that we should
14 be larger because, even though we are junior to the
15 Senate, we try harder. Thank you.
16 THE PRESIDENT: Thank you. Delegate Storm, we will
17 ask you to bear with us, unless your announcement is only of
18 a few seconds duration. We have a problem of changing
19 the tape.
20 DELEGATE STORM: A very short question to the
21 Baltimore delegation. Do you want to restrict this just

1 to Baltimore delegates, or do you want friendly people
2 from outside to attend?
3 THE PRESIDENT: I take it that Delegate Rybczyn-
4 ski's smile is an indication he pleas in the affirmative
5 that he desires friendly people from outside.
6 Are there any delegates who perhaps didn't
7 appear at roll call who desire to indicate their presence?
8 If not, the Chair recognizes Delegate Powers.
9 DELEGATE POWERS: Mr. President --
10 THE PRESIDENT: Excuse me just a second. Dele-
11 gate White?
12 DELEGATE WHITE: Mr. President, I just wanted
13 to make one comment. I wanted to congratulate that very
14 fine delegate from the Fifth District and Baltimore City,
15 Roy Borom. I am glad you made it.
16 THE PRESIDENT: Delegate Powers?
17 DELEGATE POWERS: Mr. President, word has been
18 received of the promotion of Delegate Walter Finch of
19 Baltimore County to the rank of full colonel in the United
20 States Army Reserve. I am sure we all join in extending
21 our hearty congratulations. (Applause.)

1 I now move that we adjourn until Monday,
2 September 25, at 4 p.m.
3 THE PRESIDENT: Is there any discussion? All
4 in favor, signify by saying Aye. The Ayes have it. It
5 is so ordered.
6 (Meeting adjourned at 3:20 p.m.)
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